

New Sections

457A
SECTION 470.

1 A special Commission on taxation shall be established to study corporate tax policy in the Commonwealth. The Commission shall work in conjunction w/ the Department of Revenue and will investigate the efficacy of all allowable tax credits, deductions, and exemptions. The Commission shall consist of seven members of the House. Five shall be from the majority and two from the minority party. The Chairman of the Committee on Taxation shall serve as Chairman.

The Commission shall ~~investigate~~ ^{take into account} the types of businesses and corporations that are taxed in all categories and shall make recommendations

as to changes in our tax structure.

~~Said commission shall report
to the House of Representatives through
the Clerk's office by Feb 1, 2004.~~

Said Commission shall ~~file a report~~
submit its final report with the Clerk
of the House of Representatives on or before
the last Wednesday in January 2004. *x

448A

SECTION ~~47H~~. Notwithstanding the provision of any general or special law to the contrary, the Executive Office of Health and Human Services shall pursue Administrative Savings in the Behavioral Health Program of the Division of Medical Assistance. Such administrative savings shall seek to reduce duplication in the oversight of service provision, and shall include but not be limited to a reduction in the approval process of patients who need to be hospitalized; the development and implementation of self-management models for inpatient providers; and a recognition of national accreditation and Medicare status for licensure of inpatient behavioral health providers. Such Administrative savings shall also include initiatives to reduce the number of hospitalized children and adolescents who do not require inpatient hospital level of care, including but not limited to an expedited approval process for appropriate residential step-down programs; the enforcement of a No-Eject policy for residential settings; allowance for out-of-state placements for extraordinary circumstances; and a requirement that the department of social services visit hospitalized youths within one business day of hospitalization. The Executive Office of Health and Human Services shall also examine and make recommendations regarding whether there should be a financial assessment to offset the cost of providing hospital care on state agencies who have clients in hospitals who no longer require hospital level care. The Executive Office of Health and Human Services shall also examine and pursue appropriate models for increasing federal financial participation for the costs of the behavioral health program administrative vendor.

448B SECTION 442 The Secretary of the Executive Office of Health and Human Services shall report to the House and Senate Committees on Ways and Means and the Committee on Medicaid the results of said Administrative Savings initiatives no later than September 1, 2003, which shall include a list of the Administrative Savings adopted and the projected amount of savings from such initiatives."

SECTION 443 456 A management Notwithstanding any general or special law to the contrary, the Chief Justice for Administration and Finance shall submit to the clerks of the house and senate no later than January 1, 2004 a study of the following possible fee increases:

(a) a Boston municipal court department fee of \$120 fee on each civil suit or petition that has neither been dismissed nor had final judgment entered as to all parties within one year following the commencement of said suit or petition and in each year thereafter that such suit or petition remains without such final disposition.

(b) in any action commenced after June 30, 2003 in which the clerk adds interest to the amount of damages under sections 6B or 6C of this chapter and in addition to any interest so added, there shall be added by the clerk of court to the amount of damages interest thereon at the rate of one-twentieth of one per cent per annum from the date of judgment.

(c) the authority to contract with private counsel on a contingent fee basis to collect the fair market value of attorney services provided to any defendant who materially understates or misrepresents his income or assets in order to qualify for legal representation intended for indigent persons appearing before the trial court."

(d) a uniform schedule of fees to be charged for the use of the services and facilities of the libraries maintained by the trial court and the departments of the trial court and having all persons other than those employed by the Commonwealth and using such services and facilities in the course of official business shall pay such fees in the manner set forth by the chief justice for administration and management.

(e) establishing a process for any adult person committed to a state or county correctional facility, as defined in section 1 of chapter 125, at the time of sentencing, be interviewed by the department of probation for the purpose of determination of financial condition and indigence; provided, that said interview be conducted in accordance with the provisions of sections 27A through 27C of chapter 261; provided, further, that the purpose of the interview shall be to determine the overall financial condition of the defendant; provided, further, that if after said interview and hearing, the court finds that the defendant is not indigent, and his or her financial condition permits, the court order in the mittimus that the prisoner pay to the commonwealth the sum of \$5 per day of incarceration to defray the costs of incarceration; provided, further, that the commissioner of corrections, or sheriff, or superintendent of the facility in which the prisoner is incarcerated, shall propose regulations for a process that would require no later than 30 days prior to the prisoner's release, prepare an accounting of sums owed to the commonwealth.

(f) establishing the following fee of registers of the Probate and Family Court Department of the Trial Court: For the filing of complaints for modification, fifty dollars. For the entry of petitions for amendment of a record except such as relates to separate support, adoption, or the custody or support of minors, for a new bond, care of burial lot, fifty dollars; For the entry of petitions for discharge of surety, for erection of a monument, for new inventory, for the removal of a fiduciary, sixty dollars. For the entry of a petition for the appointment of a guardian except where the petitioner certifies that the ward's estate does not exceed one hundred dollars, petition for the appointment of a trustee, seventy dollars. For issuance of an injunction or temporary restraining order,

Chapter 231 of the General Laws

209 of the General Laws

petition for leave to lease real estate, petition for leave to mortgage real estate, petition for leave to pay debts, filing a will for safekeeping, provided that no additional fee shall be charged for filing a will in substitution for a will previously filed and withdrawn, seventy-five dollars. For the entry of a general petition, an action for separate support, custody or support of minors, petition for the appointment of a special administrator, conservator, receiver of the estate of an absentee, or a petition for leave to carry on the business of deceased, petition for leave to compromise, petition for change of name, petition for letters to a foreign guardian, petition for release of dower or curtesy, for the entry of an action for separate support, filing a statement of voluntary administration, issuance of an injunction or temporary restraining order, petition under section ~~thirty-six~~ ³⁶ of chapter ~~two hundred and nine~~ by a husband or wife for authority to convey land as if sole, one hundred dollars. For the entry of a petition for the sale of real or personal estate including sales of real estate subject to vested or contingent remainders and petitions for the sale of real estate where the gross value of the sale price is under \$100,000, one hundred dollars, where the gross value of the sale price is \$100,000 to \$250,000, two hundred and fifty dollars, where the gross value of the sale price is \$250,001 to \$500,000, five hundred dollars, where the gross value of the sale price is \$500,001 to \$1,000,000, seven hundred and fifty dollars, where the gross value of the sale price is more than \$1,000,000, one thousand dollars. For administration of the estate of a person deceased intestate, petition for administration of goods not already administered, with will annexed or otherwise, entry of an action for the modification of a decree, petition for the probate of a will, one hundred fifty dollars. For the entry of a complaint for divorce or for affirming or annulling marriage, except as provided hereinafter for an action in equity, of a petition for partition, petition for specific performance, two hundred dollars. For the petition or application for allowance of an account where the gross value accounted for in Schedule A of said account is five thousand dollars or less, no fee; where said gross value is more than five thousand and one dollars but less than ten thousand dollars, seventy-five dollars; where said gross value is more than ten thousand and one dollars but less than one hundred thousand dollars, one hundred dollars; where said gross value is more than one hundred thousand and one dollars but less than two hundred fifty thousand dollars, two hundred dollars; where said gross value is more than two hundred fifty thousand and one dollars but less than five hundred thousand dollars, one hundred fifty dollars plus 0.1% of said gross value of account, where said gross value is more than five hundred thousand and one dollars but less one million dollars, two hundred dollars plus 0.2% of said gross value of the account; where said gross value is more than one million dollars, four hundred dollars plus 0.2% of said gross value of the account, not to exceed five thousand dollars.

(g) establishing a fee for the entry of a complaint for divorce or for affirming or annulling marriage of \$140.

(h) establishing a program to refund the fee charged for speeding tickets if the decision of the clerk magistrate is reversed in its entirety.

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SECTION ~~444~~ ^{447A}. Notwithstanding any general or special law to the contrary, the commissioner of insurance shall study the levying of a \$100 fee on all life and health insurance agents duly licensed by the Commonwealth of Massachusetts, receipts of

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which shall be payable into the General Fund. Said study shall be submitted to the clerks of the house and senate no later than January 1, 2004.

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SECTION 445. Notwithstanding any general or special law to the contrary, the secretary of administration and finance shall submit to the clerks of the house and senate no later than January 1, 2004 a study of the following:

- (a) requiring the alcoholic beverages control commission to collect \$100 fee for the annual renewal of licenses by retailers, including a tavern license or any other license under this section for the sale of all alcoholic beverages, or for any other license under this section for the sale of wines and malt beverages.
- (b) reducing the fees charged to nonresidents and residents charged for firearms licenses to carry and firearm identification cards, requiring that the proceeds be deposited in the General Fund on a quarterly basis, and removing the four year expiration date on firearm ID cards and licenses to carry in order to make each card a lifetime issuance.
- (c) assessing a uniform \$125 fee regardless of filing category for all filings with the civil service commission.

446B
SECTION 446. Notwithstanding any general or special law to the contrary, there shall be a fine of \$100 imposed on any individual that is convicted of a violation of sections 13B, 13F, 13H, 13L, 22, 22A, 23, 24, 24b, 26B, 26C, 43, 43A of Chapter 265 of the general laws or sections 3, 4, 16, 17, 28, 29, 29A, 29B, 29C, 35A of Chapter 272 of the General Laws. Said fine shall be in addition to, but not in lieu of, any other sentence proscribed by said sections. Such fine shall be transmitted by the court to the treasurer for deposit into the General Fund of the commonwealth. Said fine shall be levied in all instances and shall not be subject to waiver by the court. Such fine shall not be construed to substitute for the imposition of the punishment for the crime for which the individual was convicted.

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SECTION 447. *the fifth paragraph of the General Laws* Section 7 of chapter 209A, as appearing in the 2000 Official Edition, is hereby amended, in line 50, by inserting after the word "imprisonment" the following: *the first sentence, as amended by section 114 of chapter 154 of the acts of 2002, the following sentence!*
In addition, to but not in lieu of, the forgoing penalties, the court shall order persons convicted of a crime under this statute to pay a fine of \$25 that shall be transmitted to the treasurer for deposit into the General Fund of the commonwealth.

158AB
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SECTION 448. Subsection (a) of section 40 of said chapter 62C of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking the words "established under section thirty-two of this chapter" and inserting in place thereof the following: *was* of the federal short-term rate determined under section 6621(b) of the Internal Revenue Code, as amended and in effect for the taxable year, plus 2 percentage points, computed as simple interest.

(put in line 6 and 7)

~~Interest~~

^{108C}
~~479~~ SECTION ^{said} ~~479~~. Subsection (a) of section 40 of chapter 62C, ^{said} as appearing ^{so} in the 2000 Official Edition, is hereby amended by inserting ^{adding} at the end thereof the following ^{two} paragraphs:-

For purposes of this section, the ^{words} ~~term~~ "date of overpayment" shall mean the later of the date when the commissioner shall have received a properly completed return and full payment of the tax due thereon, or the date that the commissioner shall have received a completed and substantiated written application for abatement filed in accordance with this chapter.

The commissioner shall not refund any tax, interest, penalty or overpayment nor shall the state treasurer make any such refund where any taxpayer fails to file a return within three years of the due date of such return, without regard to extensions.

^{108A}
~~480~~ SECTION ^{said} ~~480~~. Section 26 of the chapter 62C of the General Laws, as ^{so} appearing in the 2000 Official Edition, is hereby amended by striking subsection (c) and inserting in place thereof the following subsection: -

(c) in the case of an arithmetic or clerical error or other obvious error, including any exclusion of taxable unemployment compensation or Massachusetts state lottery winnings, apparent either upon the face of the return or apparent from a comparison of the return with any records, pertaining to the taxpayer's liability or payment thereof, which are maintained by the commissioner or furnished to the commissioner from any third party source, the commissioner may assess a deficiency attributable to such error without giving notice to the person being assessed.

The commissioner may make such corrections to errors found upon a taxpayer's return and to the amount shown as the tax assessed thereon, including an increase in tax due or a reduction in a refund claimed, as will cause the return to conform with any records, pertaining to the taxpayer's liability or payment thereof, which are maintained by the commissioner or furnished to the commissioner by any third-party. Concurrently with the making of such corrections, the commissioner shall notify the taxpayer in writing of the changes made to the return. If within 30 days of the date of such notice, or within any extended period permitted by the commissioner, the taxpayer fails to challenge the corrections, the return as corrected shall constitute the taxpayer's amended self assessed return and the commissioner shall not be required to assess said corrected tax, nor to provide the taxpayer with a notice of intention to assess, nor to otherwise send any notice of the corrected tax liability to the taxpayer. Any taxpayer that disagrees with corrections made by the commissioner's corrections under this subsection shall challenge same in writing within 30 days of the date of the commissioner's notice, or within any extended period permitted by the commissioner. Once so challenged, the commissioner shall be required to assess any additional tax not shown on the original return in accordance with the provisions of subsection (b) of this

section and shall comply with the provisions of section 32(e) if the commissioner's initial corrections to the return resulted in the reduction or elimination of a refund claimed on the return by the taxpayer.

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SECTION ~~481~~ Chapter 63 of the General Laws is hereby further amended by in section 32D, as most recently amended by Chapter 4 of the Acts of 2003, by adding at the end thereof the following sentence:—

Provided further, that in
Provided further, that in determining the net income of any qualified subchapter S subsidiary, its gross income shall be determined by computing its gross income as defined under the Code as if it had been taxed as a separate corporation for federal income tax purposes whether or not it is wholly or partially owned by a corporate trust, a subchapter S corporation, a limited liability corporation, a limited liability partnership, or any other type of entity, including any qualified subchapter S subsidiary, so engaged and so owned which the commissioner finds was established for the purpose of avoiding the foregoing limits..

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SECTION ~~482~~ Section 24 of chapter 10 of the General Laws as appearing in the 2000 Official Edition, is hereby amended by inserting at the end thereof the following *adding* two

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paragraph:— The commission is hereby further authorized and directed to conduct an “Education Wins” lottery scratch ticket and shall determine the types of lottery or lotteries to be conducted, the price, or prices, of tickets or shares in the lottery, the numbers and sizes of the prizes on the winning tickets or shares, the manner of selecting the winning tickets or shares, the manner of payment of prizes to the holders of winning tickets or shares, the frequency of drawings or selections of winning tickets or shares, and the type or types of locations at which tickets or shares may be sold, and all other matters authorized by law. The commission shall report monthly to the governor, the attorney general, the general court, the total revenues of the lottery or lotteries conducted for, prize disbursements, and other expenses for the preceding month, and shall make an annual report to the same which shall include a full and complete statement of such “Education Wins” lottery revenues, prize disbursements, and other expenses, including such recommendations as it may deem necessary or advisable.

Proceeds from the sale of such “Education Wins” lottery tickets or shares shall be distributed according to the distribution of the balance of the State Lottery Fund in accordance with the provisions of clause (c) of section *35* thirty-five of chapter ten of the General Laws.

SECTION. 483. Notwithstanding the provisions of any general or special law to the contrary, the department of veterans services shall be under the authority of the executive office of health and human services; provided further, that the Soldiers Home in Massachusetts and the Soldiers Home in Holyoke shall be ~~be~~ under the authority of the department of veterans services.

SECTION ⁴⁸⁴ . Notwithstanding any general or special law to the contrary, a special commission consisting of two members of the Judiciary Committee of the House of Representatives, two members of the Judiciary Committee of the Senate, the Chair of the House Committee on Ways and Means or his designee, the Chair of the Senate Committee on Ways and Means or his designee, one justice of the District Court department of the Trial Court, one criminal defense attorney, the President of the Massachusetts Academy of Criminal Defense Lawyers or his designee, the Executive Director of the Committee for Public Counsel Services or his designee, and the President of the Massachusetts Bar Association or his designee, is hereby established for the purpose of making an investigation and study of the standards by which indigent counsel are appointed in the Commonwealth, including but not limited to, the criteria by which justices determine eligibility for indigent counsel, the compensation of indigent counsel, and the financial status of any defendant under consideration for appointment of counsel. Said commission shall report to the General Court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect by filing the same with the Clerk of the House of Representatives on or before the first Wednesday in November, two thousand and ~~four~~.

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SECTION ⁴⁸⁵ 1. The department of parks and recreation is hereby authorized to develop guidelines and criteria on the subject of the public sale of naming rights for state forests and parks or for facilities within state forests and parks; provided, that said division shall provide a report and recommendations on such criteria and guidelines to the committees on ways and means and the joint committee on natural resources and agriculture by November 15, 2003.

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SECTION ⁴⁸⁶ 1. Section 5 of chapter 244 of the acts of 2002 is hereby amended by adding the following paragraph at the end thereof:—

During fiscal year 2004, funds shall be expended by the department of housing and community development, from the sums set forth and made available in item 7004-7013 of section 2, to institute a program of rolling stock housing for households that are eligible for residence in and who have actually resided in scattered site shelters funded through line item 4403-2120 of section 2 of the General Appropriations Act, as said item funding is administered by the department of transitional assistance, for not less than 6 months. Said department of transitional assistance, in conjunction and collaboration with the department of housing and community development, shall assist families from such eligible households in negotiating rental agreements for permanent housing at the current scattered site placement or, if possible, at an alternative placement located within 20 miles of the household's home community with the assistance of any state rental voucher program or federal housing choice voucher program. During fiscal year 2004, said program shall seek to provide such rolling stock housing for not less than 400 eligible families.

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SECTION ⁴⁸⁷. Subsection (j) of section 110 of chapter 5 of the acts of 1995 is hereby amended by inserting at the end thereof the following:—

*Recipients not qualifying as exempt under the provisions of subsection (e) and whose child of record is under the age at which full-time school attendance is mandatory in the city or town in which such child resides, may meet 10 hours of said work requirement through education and training programs that meet the requirements of the federal Personal Work and Responsibility Act of 1996.

SECTION ⁴⁸⁸. Section 47 of chapter 10 is hereby amended by striking it out of section 47 in its entirety.

SECTION ⁴⁸⁹. Section 12 of chapter 30B of the General Laws is hereby amended by striking out, in lines 59 through 60, the words "and the terms thereof have been approved as reasonable by the emergency finance board".

SECTION ⁴⁹⁰. Section 5B of chapter 40 of the General Laws is hereby amended by striking out, in lines 5 through 7, the words "Emergency Finance Board established under section one of chapter forty-nine of the acts of nineteen hundred and thirty-three", and inserting in place thereof the following:- director of accounts.

said section is further amended by striking out, in lines 25 through 27, the following words :- Said board, in addition to the powers and duties otherwise conferred or imposed upon it, is authorized to perform the further duties imposed by this section.

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said section is further amended by striking out, in lines 32 through 35, the following words:- The members of the board aforesaid when acting under this section shall receive from the commonwealth compensation to the same extent as provided for services under section one of chapter seventy-four of the acts of 1945.

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SECTION 4. Section 44F of chapter 40 of the General Laws is hereby amended by striking out, in lines 18 through 19, the following words:- provided, however, that any indebtedness so incurred shall not exceed an amount approved by the emergency finance board.

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SECTION 5. Section 18 of chapter 40N of the General Laws is hereby amended by striking out, in lines 2 through 4, the following words:- of the emergency finance board established under the provisions of chapter 49 of the acts of 1933 or.

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SECTION 6. Section 99E of chapter 41 of the General Laws is hereby amended by striking out, in lines 19 through 22, the following words:- provided, however, that any indebtedness so incurred shall not exceed an amount approved by the emergency finance board.

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SECTION 7. Section 7 of chapter 44 of the General Laws is hereby amended by striking out subsection (3A), and inserting in place thereof the following:-

(3A) For remodeling, reconstructing or making extraordinary repairs to public buildings owned by the city or town, including original equipment and landscaping, paving and other site improvements incidental or directly related to such remodeling, reconstruction or repair, for a term not exceeding twenty years.

said section is further amended by striking out subsection (9), and inserting in place thereof the following:-

(9) For the cost of equipment, five years or for such maximum term, not exceeding fifteen years, based upon the maximum useful life of the equipment as determined by the Board of Selectmen or Mayor or City Manager of the city or town.

SECTION ⁴⁹⁵ 8. Section 8 of chapter 44 of the General Laws is hereby amended by striking out in subsection (4A) the words "as may be approved by the emergency finance board".

Said section is further amended by striking out in subsection (8) in lines 56 through 58, the words "provided, however, that the emergency finance board, established under chapter 49 of the acts of 1933", and inserting in place thereof the following:- provided, however, that the majority of the members of a board composed of the attorney general, the state treasurer, the state auditor, and the director of accounts, or their designees.

Said section is further amended by striking out in subsection (8A) in lines 63 through 64, the words "when approved by the emergency finance board, established under section 47 of chapter 10, for such number of years not exceeding ten, as said board shall fix", and inserting in place thereof the following:- when approved by the majority of the members of a board composed of the attorney general, the state treasurer, the state auditor, and the director of accounts, or their designees, for such number of years not exceeding ten, as said board shall fix.

Said section is further amended by striking out subsection (15), and inserting in place thereof the following:-

(15) For the construction of sewers, sewerage systems, and sewerage treatment and disposal facilities, or for the lump-sum payment of the cost of tie-in to such services in a

contiguous city or town, for a period not exceeding thirty years; provided however that the city or town has an enterprise or special revenue fund for sewer services and that the accountant or auditor or other officer having similar duties in the city or town, shall have certified to the treasurer that rates and charges have been set at a sufficient level to cover the estimated operating expenses and debt service related to the fund.

Said section is further amended by striking out in subsection (18) in lines 139 through 140 the following words:- and shall be subject to the approval of the emergency finance board.

said section is further amended by striking out in subsection (19) the following words "emergency finance board".

Said section is further amended by striking out in subsection (20) in line 152 the following words:- with the approval of the Emergency Finance Board, for the portion of the project so financed and such amounts as so approved.

Said section is further amended by striking out in subsection (23) in lines 176 through 179 the words "such amounts as may be approved by the emergency finance board established under section one of chapter forty-nine of the acts of nineteen hundred and thirty-three, and for such maximum term, not exceeding ten years, as the board shall fix", and inserting in place thereof the following:- for such maximum term not exceeding ten years.

496
SECTION 10. Section 10 of chapter 44 of the General Laws is hereby amended by striking out the first paragraph and inserting in place thereof the following:- Except as otherwise authorized by law, a city or town shall not authorize indebtedness to an amount exceeding five per cent, of the equalized valuation of said city or town. A city or town may authorize indebtedness in excess of five per cent but not in excess of ten per cent, of the aforesaid

equalized valuation; provided, however, that the amount of indebtedness so authorized shall be subject to the approval of the members of a board comprised of the attorney general, the state treasurer, the state auditor, and the director of accounts, or their designees, which approval may be given either before or after such authorization.

SECTION ⁴⁹⁷ 1. Section 1 of chapter 44A of the General Laws is hereby amended by striking out, in lines 3 through 4, the words "Board", the emergency finance board established under chapter forty-nine of the acts of nineteen hundred and thirty-three", and inserting in place thereof the following:- "Board", a board comprised of the attorney general, the state treasurer, the state auditor, and the director of accounts, or their designees.

SECTION ⁴⁹⁸ 1. Section 6 of chapter 70B of the General Laws is hereby amended by striking out, in lines 33 through 34, the words "emergency finance board established under section 47 of chapter 10", and inserting in place thereof the following:- Board of Selectmen or Mayor or City Manager of the city or town.

SECTION ⁴⁹⁹ 1. Section 14B of chapter 71 of the General Laws is hereby amended by striking out lines 45 to 48 inclusive, and inserting in place thereof the following:-

Copies of such agreement shall be submitted to the department of education, and subject to its approval, to the several towns for their acceptance.

SECTION ⁵⁰⁰ 1. Section 16 clause (d) of chapter 71 of the General Laws is hereby amended by striking out, in lines 32 through 33, the words "that any indebtedness so incurred shall not

exceed an amount approved by the emergency finance board and provided further, .

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SECTION 16. Section 16 of chapter 71 of the General Laws is hereby amended by striking out, in lines 100 through 101, the words "To incur debt not exceeding an amount approved by the emergency finance board for the purposes and terms specified in clause (d)", and inserting in place thereof the following:- To incur debt for the purposes and terms specified in clause (d);

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SECTION 16G 1/2. Section 16G 1/2 of chapter 71 of the General Laws is hereby amended by striking out in line 8 the words "emergency finance board", and inserting in place thereof the following:- director of accounts.

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SECTION 16H. Section 16H of chapter 71 of the General Laws is hereby amended by striking it out in its entirety.

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SECTION 49. Chapter 49 of the acts of 1933 is hereby repealed.

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SECTION 1. In any other general or special law where the Emergency Finance Board is referred to it shall mean a board comprised of the attorney general, the state treasurer, the state auditor, and the director of accounts, or their designees.

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505A
'SECTION 7. Notwithstanding any general or special law to the contrary, the board of higher education shall, in consultation with the presidents and chancellors of the Massachusetts state universities, colleges, and community colleges, or their designees, conduct a study of the feasibility of creating courses at the request of businesses residing in Massachusetts, customized to address the special workforce needs of said businesses, for which said businesses will pay the state institution providing the educational service a tuition fee to be set by an agreement between said institution and said businesses. The board shall solicit opinions from state business leaders, including, but not limited to, executives, managers, and other business officials who have a vested interest in the effective education of the state workforce. The board shall issue a report to the joint committee on education, arts and humanities, the joint committee on commerce and labor, and the clerks of the house of representatives and the senate, no later than March 1, 2004, which shall state the findings of the board; provided, that said findings shall include: the cost effectiveness for businesses to utilize state higher education resources for the education and training of their workforce; estimates of the tuition revenue generated by providing customized courses for the education and training of the employees of state businesses, which would be available for the supplementation of the operating budget and endowment of a given state institution of higher education; a

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detailed synopsis of the proposed subject matter and structure of courses that could be created at the request of businesses for the purpose of workforce education and training; testimonies from state business leaders regarding their interest in utilizing state higher education resources for the purpose of workforce education and training; and any other item the board feels would provide an accurate representation of the feasibility of such policy. The board shall also consider in the course of its study, and include in its report, as provided in this section, the structure of customized business courses provided by business graduate schools for large blue chip and other companies, which are generating hundreds of thousands of dollars in additional revenue for said business graduate schools. The board shall also consider in the course of its study, and include in its report, as provided in this section, the feasibility of customized courses for the purpose of workforce education and training for workers of all skill levels, across all industries. The board shall consider said study and said report, as provided in this section, to be an important initiative in the state strategy to better integrate the workforce education and training needs of state workers and businesses with the extensive educational resources of the institutions of higher education of the Commonwealth, and shall pursue this study, as provided in this section, and follow the intent of this section, with all appropriate due diligence. This study shall be in addition to the community college workforce training incentive grant program, authorized in item 7066-0015 of section 2 of this act.

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506
SECTION 1. Chapter 81 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out section 15 and inserting in place thereof the following section:—

Section 15. The department may contract with the town in which a state highway lies or with a private person or may make other provisions for the maintenance, repair and snow and ice removal thereof in accordance with the regulations of the department and subject to its supervision and approval. Such contracts may be made without previous advertisement.

507
SECTION 1. Paragraph (e) of section 4 of chapter 81A of the General Laws, as so appearing, is hereby amended by striking the entire paragraph and inserting in place thereof the following new paragraph:—

(e) to (i) own, construct, maintain, repair, reconstruct, improve, rehabilitate, use, police, administer, control and operate the turnpike or any part thereof, (ii) consistent with agreements entered into with the highway department to the extent applicable, own, construct, maintain, repair, reconstruct, improve, rehabilitate, use, police, administer, control and operate the metropolitan highway system or any part thereof, as it may determine, and (iii) effective December 1, 2003, maintain, repair, use, police, administer and operate interstate highway route 395, interstate highway route 84 and interstate highway route 291; provided, however, that the provisions of chapter 91 shall not apply to the authority, except for any parts or areas thereof subject to said chapter 91 on March 1, 1997;.

508
SECTION 1. Paragraph (a) of section 10 of chapter 81A, as so appearing, is hereby amended by inserting in the second sentence, in line 11, after the words "the turnpike;", the following:—

as well as the costs of maintaining, repairing, using, policing, administering and operating interstate highway route 395, interstate highway route 84 and interstate highway route 291;".

509
SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, in order to achieve efficiencies the executive office of transportation and construction, the Massachusetts turnpike authority and the Massachusetts highway department shall identify instances in which the Massachusetts turnpike authority can achieve cost savings for the maintenance, snow and ice removal, repair, policing, use, administration and operation of interstate highway route 290, interstate highway route

391, and that portion of interstate highway route 91 from the interchange of interstate highway route 91 and interchange highway route 90 and continuing to the Connecticut border. For the period beginning December 31, 2003, and ending on December 31, 2006, the Massachusetts highway department shall enter into an interagency service agreement with the authority for the provision of maintenance, snow and ice removal, repair, policing, use, administration and operation on such routes in order to achieve cost savings. The authority and the highway department are further authorized and directed to submit a report to the joint committee on transportation on or before January 1, 2005, detailing any and all cost savings to the commonwealth resulting from any proposed agreement to share employees, equipment, and operational activities and functions in order to achieve operational efficiencies and cash savings and from any cost savings directly related to the agreement contained in clause (a) herein, including recommendations to establish a permanent and potentially expanded process for the transfer of certain responsibilities for interstate highway systems in the commonwealth from the highway department to the authority beginning December 31, 2006.

SECTION 510. Notwithstanding any general or special law to the contrary the executive office of transportation and construction shall submit to the joint committee on transportation no later than January 1, 2004 (a) a study regarding the safety and efficiency of the North End Rotary located on Route 20 in the town of West Springfield, (b) the construction of a berm or sound barrier along Gina Circle in Framingham, (c) the construction of traffic signals and roadway improvements at the intersection of Rockdale Ave. and Bolton Street in the city of New Bedford.

provided, however, that the Secretary of the Executive Office of Transportation and Construction shall issue a report, including findings and a recommendation by September 15, 2003 to the Senate and House Committees on Ways and Means and the Joint Committee on Transportation with regard to the continuation of the design, planning and construction of the North-South Rail Link, so-called. Said report by the Secretary shall include a specific recommendation as to whether continued and future Commonwealth financial support is warranted for this project, including the identification of the estimated cost of the project for construction, equipment and maintenance, its relative benefit to the public and the prospects, if any, for financial support from the federal government.

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SECTION ⁵¹¹ Chapter 28A of the general laws is hereby amended by inserting after section 4 the following new section: - Section 4A. The secretary of the executive office of health and human services shall convene interagency children's services teams for determining which agency or agencies within the jurisdiction of said secretary shall provide or contract for appropriate services to a child in cases when disputes arise among agencies over the delivery of services to a child or when such services are not being provided to a child. For purposes of this section, "agency" shall mean any department, office, commission, board, institution, or other agency of the commonwealth within the executive office of health and human services.

The secretary or his designee shall chair such local or regional teams and preside over meetings. Such teams shall also include the commissioner or chief executive officer, or his designee, of the following agencies: the department of public health, the department of social services, the department of education, the department of transitional assistance, the department of mental retardation, the department of mental health, the commission on the deaf and hard of hearing, the Massachusetts rehabilitation commission, the commission for the blind, or any other agency as deemed necessary by the secretary to ensure delivery of appropriate and needed services to a child.

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Such teams shall review such cases on a local or regional basis and seek to identify the services necessary to resolve such cases; designate the agency or agencies which shall provide or contract for such services; direct such designated agency or agencies to accept responsibility for such child and provide or contract for such services; and provide opportunities to receive testimony and evidence from such child, the family of such child, the representative of such child or such family, or the representative or other employee of such agency.

If no decision is agreed upon by a majority of the team, the secretary shall designate and require an agency to provide appropriate and needed services to such child. If a designated agency fails to provide services to a child in a manner consistent with the decision of the team, the secretary shall review the matter. If said secretary finds that such decision of the team is reasonable and within the jurisdiction of the designated agency, he shall direct such agency to provide services in accordance with the decision of the team and shall take any other action consistent with state law to ensure that appropriate services are provided to such child.

The teams shall have full access to, and the agencies shall provide all information relevant to such cases, notwithstanding any provisions of chapter sixty-six A, chapter one hundred and nineteen, chapter one hundred and twelve, or any other law to the contrary related to the confidentiality of personal data. However, all confidential information shall be returned to its originating source upon completion of this process and shall not be retained by the team or any member thereof and no member of the team shall disseminate any confidential information revealed during this process.

For purposes of this section, "child" shall mean a person under the age of eighteen, or under the age of twenty-two if such person is disabled or has special needs.

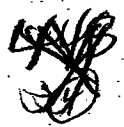
The secretary shall issue an annual report summarizing the activities of the teams during

the preceding fiscal year.

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SECTION ⁵¹² 1. The state advisory commission for special education is hereby authorized to investigate and study exit measurements for students with disabilities, accommodations for students with disabilities for the MCAS exam, so-called, and the alternate assessment to MCAS for students with disabilities, Chapter 71B private school tuition pricing, and the feasibility of training and partnership grants for disseminating best practices, training staff in use of assistive technology and collaboration on programs and services in the delivery of special education services. For the purposes of this section, the state advisory council shall consult with the operational services division of administration and finance, the department of education, school superintendents, school committee members, special education administrators, collaborative directors, parents and consumers, and representatives of approved private schools. The state advisory commission for special education shall report to the board of education and to the general court the result of its investigation and study and its recommendations as well as any minority report, by filing the same with the clerk of the house of representatives, and the clerk of the senate, on or before May 1, 2003 but may issue interim reports from time to time." ✓

SECTION ⁵¹³ 1. The operational service division of administration and finance and the department of education shall jointly study issues related to cost increases for matters of health and safety, as defined by state and federal regulations and as required by the department of education where the department of education has determined that certain cost increases must be implemented prior to the effective date of the tuition increase resulting from program reconstruction. In conducting their study, said agencies shall seek input from the Massachusetts association of approved private schools, the Massachusetts administrators for special education, the Massachusetts association of school superintendents and parent consumers. The operational

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service division of administration and finance and the department of education shall report to the
general court the result of their investigation and study and their recommendations, if any, by
filing the same with the clerk of the house of representatives and the clerk of the senate on or
before January 31, 2004.*

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514.

SECTION 470 Notwithstanding any general or special law to the contrary, the advisory council on Alzheimer's disease and related disorders, as established in the office of the governor in section 379 of chapter 194 of the acts of 1998, and in section 80 of chapter 236 of the acts of 2000, shall continue to be established during fiscal years 2004 and 2005. The advisory council shall advise the secretariats, departments, agencies, and institutions of the commonwealth on matters of policy, programs, services, and information affecting residents of the commonwealth with dementia-related illnesses and their caregivers. The advisory council shall have the following goals: (1) to recommend the delivery of services in the most effective and efficient manner possible, including identifying means of coordination and cooperation among different state agencies and departments in order to achieve costs savings and to facilitate meeting the needs of people with dementia and their caregivers; (2) to identify additional sources of federal and private sector funding with which the commonwealth may provide additional services and

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programs for people with dementia and their caregivers; (3) to promote public and professional awareness and education relative to dementia and access to dementia services and programs; (4) to identify service delivery mechanisms that enhance the quality of life for people with dementia and their caregivers; (5) to evaluate and coordinate implementation of recommendations made in 1994 by the governor's conference on Alzheimer's disease. The advisory council shall consist of 17 persons, 5 to be appointed by the governor, 5 to be appointed by the speaker of the house of representatives, 5 to be appointed by the president of the senate, 1 to be appointed by the minority leader of the house of representatives, and 1 to be appointed by the minority leader of the senate. The persons so appointed to the advisory council shall be representatives of state agencies, consumers, medical research and provider communities and representatives of the Massachusetts chapters of the Alzheimer's disease and related disorders associations. Members of the advisory council duly appointed to the council as authorized under section 80 of chapter 236 of the acts of 2000 and serving on June 30, 2002 shall serve without reappointment during fiscal years 2004 and 2005. The council shall meet not less than quarterly and shall prepare an annual report of its activities and recommendations that shall be filed with the house and senate committees on ways and means and the joint committee on human services and elderly affairs.

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SECTION

There shall be established a commission, consisting of 2 members appointed by the Speaker of the House of Representatives; 2 appointed by the Senate President; 1 appointed by the minority leader of the House; 1 appointed by the minority leader of the Senate; 3 members appointed by the Governor, 1 of whom shall be a representative of the convenience store industry and 1 of whom shall be a representative of the tobacco industry. Said commission shall study the issue of making it illegal for a cigarette manufacturer or distributor to directly or indirectly require a retailer, as a condition to the receipt of consumer price discounts, promotions or otherwise, to allocate a percentage of the retailer's available stocking, display, signage or advertising space exclusively for the sale or promotion of said manufacturer's or distributor's product.

516
SECTION. Section 21 of chapter 62C of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out subdivision 11 and inserting in place thereof the following new subdivisions:-

"(11) the disclosure by the commissioner of a list of all taxpayers, including but not limited to individuals, trusts, partnerships, corporations, 121A corporations and other taxable entities, that are delinquent in the payment of their tax liabilities in an amount greater than \$25,000 for a period of six months from the time the taxes were assessed; provided, that such disclosure shall be made in accordance with subsection (e) of this section."

517
SECTION. Section 21 of chapter 62C of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by adding the following subsection:-

"(e) (1) Notwithstanding any general or special law to the contrary, the commissioner shall at least annually publish a list of all taxpayers who are delinquent in the payment of any tax liability. The list shall include, at a minimum, the following information about the taxpayer:

(A) if the taxpayer is an individual, the name of the taxpayer; if the taxpayer is a business entity, the name of the business entity;

(B) the address of the taxpayer;

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(C) the type of tax for which the taxpayer is delinquent;

(D) the year the tax was assessed; and


(E) the amount of total tax liability outstanding, including penalties and interest.

(2) The commissioner shall make the list available for public inspection at the department upon request during regular business hours. The commissioner shall, at least annually, publish the list on the department's website, with a link to said list clearly situated on said website, and at the same time may also publish said list in any print media and electronic media of the commissioner's choosing.

(3) At least 60 days prior to the disclosure of any information pertaining to any such delinquent taxpayer, the commissioner shall mail a written notice to each delinquent taxpayer under this subsection addressed to such delinquent taxpayer at his last or usual place of business or abode, as appears in the commissioner's records, detailing the amount and nature of this delinquency and the intended disclosure of information pertaining to the taxpayer under this subsection. Failure of delivery of such notice shall not affect the validity of the notice. If the delinquent tax has not been paid nor other arrangements made by the taxpayer to address the outstanding liability to the satisfaction of the commissioner, as provided in sections 37A through 37C of this chapter, inclusive, 60 days after the date of the mailing, the commissioner shall place the taxpayer's name on the list in the manner stipulated in subdivision (1) of this subsection.

(4) For the purposes of this subsection, an unpaid tax is not delinquent and therefore not subject to disclosure if:

(A) a written agreement for payment exists without default between the taxpayer and the commissioner;

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(B) an appeal period to contest the liability has not expired; or

(C) the tax liability is under appeal before a trial court, or the appellate tax board, or before an appellate court.

(5) For the purposes of this subsection, unpaid liabilities are not subject to publication if:

(A) the commissioner is in the process of reviewing or adjusting the liability or otherwise considering the taxpayer's pending abatement application;

(B) the taxpayer is a debtor in a bankruptcy proceeding and the commissioner is then barred from further collection activity by the automatic stay or by any other order of the bankruptcy court;

(C) the commissioner has been notified that the taxpayer is deceased;

(D) the time period for collecting taxes has expired;

(E) the taxpayer has pending with the department an offer in settlement under section 37A of this chapter; or

(F) the taxpayer's liability is the subject of a criminal investigation, attorney general review, or indictment.

(6) Any unauthorized or wrongful disclosure made by the commissioner in a good faith effort to comply with this paragraph shall not be considered a violation of this section.

(7) The commissioner shall make a report to the Joint Committee on Taxation annually regarding the effectiveness of the list, as well as any recommendations the commissioner may have to enhance its application."

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SECTION ⁵¹⁸. The commissioner of the department of revenue may adopt such rules and regulations as said commissioner deems necessary to implement the provisions of sections ^{516 and 517} ~~410~~ inclusive of this act.

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SECTION ⁵¹⁹. The provisions of sections ^{516 and 517} ~~410~~ inclusive of this act shall be effective for 98

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SECTION 520. Section 5 of chapter 71B of the General Laws is hereby amended by adding, in line 30 as appearing in the 2000 Official Edition, after the number "3" the following: "or placement in Special Education Collaboratives" ✓

SECTION 521. Notwithstanding the provisions of any general or special law to the contrary, the operational services division shall establish a price adjustment review commission which shall make recommendations about special education rate calculations and rate structures for fiscal year 2005. Said commission shall include the commissioner of social services or his designee, the commissioner of education or his designee, the secretary of administration and finance or his designee, the house and senate chairs of the joint committee on education or their designees, the chairs of the house and senate ways and means committees or their designees, a representative of the Massachusetts association of school superintendents, a representative of the Massachusetts association of special education administrators, and a representative of the Massachusetts association of chapter 766 approved private schools. Said commission shall submit its report to the legislature, along with any proposed legislation necessary to carry such recommendations into effect, no later than October 1, 2003.

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SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the department of education shall report to the legislature on the effectiveness of the expanded program allotment, as defined in section 2 of chapter 70 of the general laws. The report shall include, for every school district for which said allotment is calculated as part of its foundation budget, a comparison of how much said school district is allotted and how much said school district is actually spending in said category. The report shall further include a description of all programs currently being funded through this allotment, including but not limited to, after school programs, MCAS remediation programs, extended day programs, summer programs, and any enrichment programs designed to improve academic performance among low income at risk students in the districts receiving such funds. Said report shall be provided to the house and senate chairs of the joint committee on education, arts, and humanities, and to the house and senate chairs of the house and senate committees on ways and means no later than December 31, 2003.

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SECTION 1. There is hereby established a special commission to report on alternatives to using the property tax to fund public education. Said commission shall consist of the Speaker of the House of Representatives and 3 additional members to be appointed by the Speaker of the House, the President of the Massachusetts Senate and 3 additional members to be appointed by the President of the Senate, the Chairman of the House Committee on Ways and Means or his designee, the Chairman of the Senate Committee on Ways and Means or his designee, the House and Senate Chairs of the Joint Committee on Education, Arts, and Humanities, the House and Senate Chairs of the Joint Committee on Taxation, who shall both serve as chairs of said commission, the Secretary of Administration and Finance, and 1 member appointed by the following organizations: the Department of Revenue, the Suburban Coalition, the Massachusetts Taxpayer's Foundation, the Massachusetts Municipal Association, Associated Industries of Massachusetts, and the Taxpayer's Equity Alliance of Massachusetts. Said commission shall be chaired by the House and Senate Chairs of the Joint Committee on Taxation. The scope of the commission's inquiry shall include, but shall not be limited to: reviewing the current practice of using the property tax to fund education and seeking alternative sources of funding to provide a dedicated stream of revenue. The Commission shall submit its report to the House and Senate Committee on Ways and Means, the Joint Committee on Education, Arts and Humanities, and the Joint Committee on Taxation not later than January 30, 2004 along with drafts of any legislation.

524

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the joint committee on education, arts, and humanities shall issue a report not later than September 30, 2003, and the house committee on ways and means shall issue a report not later than October 30, 2003, on the following subject matters: moratorium on awarding new charters to charter schools; restricting enrollment of charter schools at current levels; and charter school funding, including the calculation of charter school tuition amount and the reimbursement amount from the state.

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SECTION 525 . Section 1D of Chapter 69 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by adding the following paragraph:

Notwithstanding any general or special law to the contrary, each school district, by vote of its School Committee, shall have the authority to award a high school diploma to those students who are eligible for special education programs and who have fulfilled all the requirements of that school district for graduation. In addition, should a school committee elect to award diplomas to special education students who have met all district requirements, the diplomas awarded to the students in that district shall indicate that MCAS competency has been achieved where appropriate. Nothing herein shall be construed to require any district to award a high school diploma to any student who has not achieved a MCAS competency determination. Any School Committee may vote to award such diplomas for any class scheduled to graduate in FY 03 through FY 06.

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SECTION 526 . Section 80 of chapter 184 of the acts of 2002 is hereby amended by striking out the word "seven" in line 3 and inserting in place thereof the figure: - 10.

SECTION 527.

: Section 429 of Chapter 159 of the Acts of 2000 is hereby amended in the first paragraph in the second sentence by striking the word, "two" and inserting in place thereof the word: four; in the first paragraph in the third sentence by striking the word, "three" and inserting in place thereof the word: two; in the first paragraph in the fourth sentence by inserting after the word, "phase" the following: and four in the second phase; in the first paragraph in the fifth sentence by inserting at the end thereof the following: and final approvals for the second phase shall be made no later than July 1, 2004. Said section 429 is also hereby amended in the second paragraph in the fourth and fifth sentences by striking the words, "first phase" and inserting in place thereof the words: first and second phases.

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SECTION ~~XX~~. Section 54 of Chapter 218 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the words "Suffolk County" in line 5 and in line 8 the following:— , excluding Chelsea and Revere,

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SECTION . Notwithstanding any general or special law to the contrary, all judges currently acting as a presiding judge in any of the divisions of the Boston municipal court department which were, prior to the passage of this act, formerly under the jurisdiction of the district court department of the trial court shall continue performing such duties and responsibilities until such time as their term expires. All grant or community service programs which were funded in those divisions of the Boston municipal court department that were, prior to the passage of this act, under the jurisdiction of the district court department shall continue receiving such funding as part of a cooperative agreement between said departments. Notwithstanding any general or special law to the contrary, the chief justice for administration and management, the chief justice of the district court division of the trial court, and the chief justice of the Boston municipal court department shall, on or before August 1, 2003, enter into agreements regarding the assignment of judges between the district court department and the Boston municipal court department in order to preserve the continuity of the current judicial assignments of those judges serving in courts other than the court to which such judges were originally assigned and to minimize the reassignment of such judges to other courts following the passage of this act.

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SECTION 1. The house and senate committee on ways and means shall complete a study of the formula used to appropriate lottery revenues in this General Appropriation Act, the formula or calculation used to appropriate chapter 70 funds in this General Appropriation Act, the formula or calculation used to appropriate additional assistance funds in this General Appropriation Act, and the formula or calculation used to appropriate payment in lieu of taxation funds in item 0611-5-110 of section 2 of said act. Said study shall include any recommendations suggested by said committees relative to the possible revision of said formulas or calculations. Said study shall be completed by said committees on or before October 15, 2003 and shall be filed with clerk of the House and Senate upon its completion.

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SECTION 7. The legislature shall establish a 19 member special commission to study the ecological and environmental impact of the oil spill in Buzzards Bay by Bouchard barge #120 and to investigate legislative changes to existing laws and regulations to increase safety of commercial barges traveling in state waters. The commission shall also evaluate the potential changes in both civil and criminal laws that may apply to the operation of commercial barges in state waters. Said commission shall consist of 15 legislators, 2 of which shall include the House and Senate chairs of the Natural Resources and Agriculture committees, 5 members appointed by the President of the Senate, and 10 members appointed by the Speaker of the House, including at least one member in each chamber by a minority party; and 4 non-legislator members, 2 appointed by the Governor and 2 appointed by the Attorney General.

Said special commission shall submit its report and recommendation, if any, to the legislature by November 1, 2003.

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SECTION 7. The division of urban parks and recreation is authorized and directed to prepare an application to place the former metropolitan parks system on the National Register of Historic Sites.

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SECTION 7. Notwithstanding the provisions of any general or special law or rule or regulation to the contrary, all bargaining unit two, nine, and other employees within the Metropolitan District Commission or the Department of Environmental Management of immediately before the transfer date in the discharge of their responsibilities, shall be transferred, subject to appropriation, notwithstanding any change in job titles or duties, to the Department of Parks and Recreation or the Department of Conservation and Agriculture with no impairment of employment and/or civil service rights held immediately before the transfer date, without interruption of service, without the impairment of seniority, retirement or other rights of employees, without reduction in compensation or salary grade, without loss of accrued rights to holidays, sick leave, vacation and benefits, and without change in union representation or certified collective bargaining unit as certified by the state labor relations commission or in local union representation or affiliation. Any collective bargaining agreement in effect immediately before the transfer date shall continue in effect and the terms and conditions of employment therein shall continue as if the employees had not been so transferred. Nothing in this section shall be construed to confer upon any employee any right not held immediately before the date of said transfer, or to prohibit any reduction of salary grade, transfer, reassignment, suspension discharge layoff or abolition of position not prohibited before such date.

534
SECTION 7. Notwithstanding any general or special law to the contrary, the Massachusetts Water Resources Authority and the Department of Parks and Recreation shall collaborate on developing and implementing a watershed management plan to be submitted to the house and senate committees on ways and means and the secretary of environmental affairs not later than January 1 in each year following passage of this act, provided, that such plan shall include, but not be limited to, the following: (a) ensuring the continued availability of clean water in the Commonwealth, (b) ensuring the continued recreational use of and public access to applicable division of watershed management lands, including the Quabbin Reservoir, (c) the formation of policy, the goal of which is to comply with all state and federal water quality regulations without the assistance of a newly constructed water filtration installation, (d) cost reduction methods and (e) recommendations to the general court regarding any legislation which would further the goals of this section. Prior to acquisition of any watershed lands by the division of watershed management, said division shall seek consultation and advice from

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SECTION 7. Notwithstanding the provisions of any general or special law to the contrary, the property located in Norfolk, Massachusetts, as identified in chapter 519 of the acts of 1980 and formerly known as the Department of Public Health Hospital, Pondville Hospital, is hereby added to the list of properties for which said department has responsibility, pursuant to chapter 21E of the general laws or any other applicable general or special law, for ensuring that all needed environmental remediation and related work is performed and that all contamination is eliminated from said property.

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SECTION 7. On or before September 1, 2003, the department of public health Lemuel Shattuck hospital shall submit a report to the house and senate committee on ways and means detailing the current billing procedure and rate used to determine the expenses charged to county sheriffs by said hospital for medical services provided to inmates of county correctional facilities by said hospital, the prior billing procedure and rate used by said hospital to determine said expenses during fiscal years FY97 through FY02, and an explanation of the differences, if any, between the current and prior billing procedure and rate used by said hospital. Said report shall include, but not be limited to, the following: (1) information relative to whether said county sheriffs are currently charged using an 'all-inclusive flat fee' rate or an individual 'fee for service' rate by said hospital, (2) whether said sheriffs were previously charged, during fiscal years FY97 through FY02, using an 'all-inclusive flat fee' rate or an individual 'fee for service' rate by said hospital, (3) information regarding the current and prior level of interaction and participation afforded to said county sheriffs by the administration of said hospital in determining the rate that is so charged and the level of medical care that is required to continue billing at certain rates for said inmates, (4) information regarding the current and prior level of interaction and participation afforded to health maintenance organizations that have been retained by the department of correction to provide health insurance coverage for state inmates in determining the rate that the department is charged for medical services provided to state inmates and the level of medical care that is required to continue billing at certain rates for said inmates, (5) the current billing procedure and rate used by said hospital to determine the expenses charged to said health maintenance organizations covering state inmates including whether said organizations are currently charged using

an 'all-inclusive flat fee' rate or an individual 'fee for service' rate by said hospital, (6) information regarding whether the billing procedure and rate used to charge said county sheriffs is uniformly applied to all county sheriffs, and (7) information detailing the percentage of actual expenses born by said hospital for the provision of said medical services that is covered by funds appropriated within line item 8910-0010 of section 2 of this act and the percentage of actual expenses for said medical services that is covered by direct payments made to the Lemuel Shattuck hospital by the county sheriffs for fiscal years 1997 through 2002, inclusive.

537.
SECTION 1. Section 2 of chapter 184 of the acts of 2003 is hereby amended in item 8000-0010, in line 217, by striking the words "of the award to Saugus"

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SECTION 1. Subsection (1) of section 5 of chapter 32 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by striking out paragraph (e).

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SECTION 1. Notwithstanding any general or special law to the contrary, pension contributions rates for employees in Group 1, 2, and 4 hired after January 1, 2004 shall be 12 per cent. Pension contributions rates employees in Group 3 hired after January 1, 2004 shall be 14 per cent.

540
SECTION 1. Notwithstanding any general or special law to the contrary, the executive office of administration and finance in cooperation with the executive office of environmental affairs and the department of environmental protection, shall meet its obligations under the biosolids improvement project for the Greater Lawrence Sanitary District by June 30, 2006;

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SECTION 1. (A) Notwithstanding chapter 32 of the General Laws or any other general or special law to the contrary, the state board of retirement, established under section 18 of chapter 10 of the General Laws, shall establish and implement a retirement incentive for public employees, hereinafter referred to as the retirement incentive program, in accordance with this act. In order to be deemed eligible by said board for any of the benefit options under the retirement incentive program, an employee: (i) shall be an employee of the commonwealth on the effective date of this act; (ii) shall be a member in active service of the state retirement system on the effective date of this act; (iii) shall be classified in Group 1 of said retirement system in accordance with clause (g) of subdivision (2) of section 3 of said chapter 32; (iv) shall be eligible to receive a superannuation retirement allowance in accordance with subdivision (1) of section 5 of said chapter 32 or subdivision (1) of section 10 of said chapter 32 upon the date of

retirement requested in his written application for retirement with said board; (v) shall have received his pay advices via the commonwealth's human resources compensation management system or the University of Massachusetts' human resources management information system; and (vi) shall have filed a written application with the board in accordance with paragraph (b) of this section.

The total number of eligible employees who may receive the benefit of the retirement incentive program shall be limited to 5,000. Employees with a greater number of years of creditable service on the effective date of this act shall be approved by the state retirement board before approval may be given to employees with a lesser number of years of creditable service on the effective date of this act. Notwithstanding the provisions of any general or special law to the contrary, or any provisions of this act to the contrary, employees whose regular compensation is funded from federal, trust or capital accounts, pursuant to chapter 29 of the General Laws, shall not be eligible to receive the benefit. The application filed for retirement under this act may be delivered in person or by mail to the state board of retirement. No employee shall be eligible for more than 1 of the incentives offered in this act and no employee may become eligible for 1 incentive by virtue of the application of a different incentive.

Notwithstanding the limit of 5,000 employees eligible to receive the retirement incentive program benefit, an employee eligible pursuant to the criteria established in this section who entered the service of the commonwealth before January 1, 1975 and has 5 per cent of his regular compensation withheld in accordance with clause (i) of paragraph (b) of subdivision (1) of section 22 of chapter 32 of the General Laws shall be eligible to receive the benefit of the retirement incentive program. Notwithstanding the limit of 5,000 employees eligible to receive the retirement benefit, an employee eligible pursuant to the criteria established in this section who entered the service of the commonwealth on or after January 1, 1975 but before January 1, 1984 and has 7 per cent of his regular compensation withheld in accordance with clause (ii) of said paragraph (b) of said subdivision (1) of said section 22 of said chapter 32 shall be eligible to receive the benefit of the retirement incentive program.

Words used in this act shall have the same meaning as they are used in said chapter 32 unless otherwise expressly provided or unless the context clearly requires otherwise. An employee who retires and receives an additional benefit in accordance with this act shall be deemed to be retired for superannuation under said chapter 32 and shall be subject to all of said chapter 32.

Employees of the judiciary and elected officials shall not be eligible to participate in the retirement incentive program.

(B) Notwithstanding any provision of section 5 of chapter 32 of the General Laws that requires a retirement date within 4 months of the filing of an application for superannuation retirement, in order to receive the retirement benefit provided by this act, an eligible employee, except as otherwise provided in this section, shall file his application for retirement with the state board of retirement after July 15, 2003 and not later than August 15, 2003. The retirement date requested shall be August 29, 2003, except for employees of the state board of retirement for whom the retirement date requested shall be January 31, 2004.

To ensure the successful completion of the academic year, employees of the University of Massachusetts and employees of state and community colleges shall file their applications for retirement within the period required in this section, but the retirement date requested shall be December 31, 2003. The president of the University of Massachusetts and the chancellor of higher education may identify job titles which may elect to retire earlier than December 31, 2003. Said president and said chancellor shall each file a complete list of titles and corresponding job title codes with the state board of retirement not later than January 15, 2003, but no retirement shall be effective earlier than August 29, 2003.

(C) An employee who is eligible for the retirement incentive program may request in his application for retirement that the state board of retirement credit him with an additional retirement benefit in accordance with this section. Each such employee shall request and receive a combination of years of creditable service and years of age, the sum of which shall not be greater than 5 years, for the purposes of determining his superannuation retirement allowance pursuant to paragraph (a) of subdivision (2) of section 5 of chapter 32 of the General Laws.

Notwithstanding the credit, the total normal yearly amount of the retirement allowance, as determined in accordance with said section 5 of said chapter 32, of any employee who retires and receives the retirement incentive program benefit shall not exceed 80 per cent of the average annual rate of his regular compensation as determined in accordance with said section 5 of said chapter 32.

(D) For a married employee who retires and receives an additional benefit under this act, an election of a retirement option under section 12 of chapter 32 of the General Laws shall not be valid unless (i) it is accompanied by the signature of the member's spouse indicating the member's spouse's knowledge and understanding of the retirement option selected; or (ii) a certification by the state board of retirement that the spouse has received notice of such election as provided in this section. If a member who is married files an election which is not signed by the spouse, the state board of retirement shall notify the member's spouse within 15 days by registered mail of the option election and the election shall not take effect until 30 days after the date on which the notification was sent, any such election may be changed by the member at any time within 30 days or at any other time permitted under said chapter 32. Nothing in this section shall affect the effective date of any retirement allowance but, in the event of any election having been filed which is not so accompanied, the payment of any allowance so elected shall not be commenced earlier than 30 days after the state board of retirement sends the required notice.

(E) The state board of retirement shall provide retirement counseling to employees who choose to consider retiring or who choose to retire under the retirement incentive program. Such counseling shall include, but not be limited to, the following: (i) a full explanation of the retirement benefits provided by this act; (ii) a comparison of the expected lifetime retirement benefits payable to an employee under the retirement incentive program and under the existing chapter 32 of the General Laws; (iii) the election of a retirement option under section 12 of said chapter 32; (iv) the restrictions on employment after retirement; (v) the laws relative to the payment of cost-of-living adjustments to the retirement allowance; and (vi) the effect of federal and state taxation on retirement income. The group insurance commission shall provide counseling about the provision of health care benefits under chapter 32A of the General Laws.

Each such employee shall sign a statement that he has received the counseling or that he does not want to receive the counseling prior to the approval by the state board of retirement of such employee's application for superannuation benefits and the additional benefit provided by this act.

Pursuant to section 98 of said chapter 32, the state treasurer may make advance payments in an amount not to exceed any retirement allowance actually due to an employee who is eligible for and who has filed an application for retirement under the retirement incentive program and who does not receive a retirement allowance within 90 days after submitting a retirement application, during such period as is necessary for the processing of the application for retirement.

(F) The secretary of administration and finance may fill an executive branch position vacated as a result of an applicant's participation in the retirement incentive program if said secretary determines that the position is vital to the public health, public safety or other critical operations of the commonwealth. The total annualized cost of regular compensation paid out by the commonwealth in fiscal year 2004 for refilled positions in the executive branch shall not exceed 20 per cent of the total annualized cost of regular compensation which would have been paid out by the commonwealth during fiscal year 2004 for the positions vacated in the executive branch pursuant to the retirement incentive program had such positions not been vacated; provided, further, that the total annualized cost of regular compensation paid out by the commonwealth in fiscal year 2005 for refilled positions in the executive branch shall not exceed 20 per cent of the total annualized cost of regular compensation which would have been paid out by the commonwealth during fiscal year 2005 for the positions vacated in the executive branch pursuant to the retirement incentive program had such positions not been vacated.

(G) The comptroller, in conjunction with the state board of retirement, shall certify to the house and senate committees on ways and means by September 26, 2003 the total value of compensation of the last pay period prior to August 29, 2003, by line item, of each individual that has enrolled in the retirement incentive program.

(H) Notwithstanding any general or special law to the contrary, no person shall be hired by a state agency, as defined in section 1 of chapter 6A of the General Laws, on a permanent or temporary basis to fill any position made vacant by the retirement of an employee receiving an additional benefit in accordance with this act and the comptroller shall not authorize the payment of any regular compensation, including paid leave, vacation, salary in lieu of vacation, payment in lieu of maintenance, holiday pay, overtime pay and salary differentials from any account funded by an appropriation to any such person on or after August 29, 2003 until June 30, 2005. If the secretary of administration and finance determines that a position is critical and essential to the operations of 1 or more services provided by the commonwealth, said secretary shall include the position in a schedule which shall include: (i) the classification title of each position; (ii) the item of appropriation in which the position is funded; (iii) the number of positions listed in the schedule with such title; (iv) the salary range payable to each position; and (v) the approximate date during the fiscal period of August 29, 2003 to June 30, 2005, inclusive, that said secretary shall have determined that the position shall be filled. Said secretary shall prepare 1 or more supplementary schedules in the same form if he shall determine that a supplementary schedule shall be necessary. The schedule shall be filed with the house and senate committees on ways

and means and said secretary may fill any such positions before June 30, 2005 but in no instance shall such positions be filled earlier than 10 days following the filing of the schedule with said committees. The total annualized cost of regular compensation paid out by the commonwealth in fiscal year 2004 for refilled positions in state agencies shall not exceed 20 per cent of the total annualized cost of regular compensation which would have been paid out by the commonwealth during fiscal year 2004 for the positions vacated in state agencies pursuant to the retirement incentive program had such positions not been vacated. The total annualized cost of regular compensation paid out by the commonwealth in fiscal year 2005 for refilled positions in state agencies shall not exceed 20 per cent of the total annualized cost of regular compensation which would have been paid out by the commonwealth during fiscal year 2005 for the positions vacated in state agencies pursuant to the retirement incentive program had such positions not been vacated.

The comptroller shall authorize the payment of any regular compensation, including paid leave, vacation, salary in lieu of vacation, payment in lieu of maintenance, holiday pay, overtime pay and salary differentials for position titles on file pursuant to paragraph (i).

(I) The secretary of administration and finance shall list each position made vacant by the retirement of an employee from a state agency, as defined in section 1 of chapter 6A of the General Laws, receiving an additional benefit in accordance with this act and shall file such list with the house and senate committees on ways and means and the comptroller not later than September 12, 2003 and shall supplement the list as may be deemed necessary through June 30, 2005. For each such position, the list shall include the item of appropriation from which the position is funded, the name of the state agency, as defined in said section 1 of said chapter 6A, which is funded by such item, the classification title of the position, the salary range for the title and the salary payable to the person who retired from the position. The list and any supplements shall indicate which of these positions were refilled, the date on which they were refilled and the annual salary of each refilled position.

(J) Notwithstanding any general or special law to the contrary, no person shall be hired by a state or community college in the system of public institutions of higher education, as defined in section 5 of chapter 15A of the General Laws, but excluding the University of Massachusetts at Amherst, Boston, Dartmouth, Lowell and Worcester, on a permanent or temporary basis to fill any position made vacant by the retirement of an employee receiving an additional benefit in accordance with this act and the comptroller shall not authorize the payment of any regular compensation, including paid leave, vacation, salary in lieu of vacation, payment in lieu of maintenance, holiday pay, overtime pay and salary differentials from any account funded by an appropriation to any such person on or after August 29, 2003 until June 30, 2005. If it is determined that a position is critical and essential to the operations of 1 or more services provided by the commonwealth, the board of higher education shall include the position in a schedule which shall include: (i) the classification title of each position; (ii) the item of appropriation in which the position is funded; (iii) the number of positions listed in the schedule with the title; (iv) the salary range payable to each position; and (v) the approximate date during the fiscal period of August 29, 2003 to June 30, 2005, inclusive, that it is determined that the position shall be filled. Said board shall prepare 1 or more supplementary schedules in the same form if said board shall determine that a supplementary schedule shall be necessary. The

schedule shall be filed with the house and senate committees on ways and means and the positions may be filled before June 30, 2005 but in no instance shall such positions be filled earlier than 10 days following the filing of the schedule with said committees. The total annualized cost of regular compensation paid out by the commonwealth in fiscal year 2004 for refilled positions in the state and community colleges shall not exceed 20 per cent of the total annualized cost of regular compensation which would have been paid out by the commonwealth during fiscal year 2004 for the positions vacated in the state and community colleges pursuant to the retirement incentive program had such positions not been vacated. The total annualized cost of regular compensation paid out by the commonwealth in fiscal year 2005 for refilled positions in the state and community colleges shall not exceed 20 per cent of the total annualized cost of regular compensation which would have been paid out by the commonwealth during fiscal year 2005 for the positions vacated in the state and community colleges pursuant to the retirement incentive program had such positions not been vacated.

The board of higher education shall not create a position title or similar position title within the same item of appropriation as those contained in the list filed pursuant to paragraph (K) of this section, before June 30, 2005.

The comptroller shall authorize the payment of any regular compensation, including paid leave, vacation, salary in lieu of vacation, payment in lieu of maintenance, holiday pay, overtime pay and salary differentials for position titles on file pursuant to paragraph (k).

(K) The board of higher education shall list each position made vacant by the retirement of an employee of a state or community college in the system of public institutions of higher education, as defined in section 5 of chapter 15A of the General Laws, but excluding the University of Massachusetts at Amherst, Boston, Dartmouth, Lowell and Worcester, receiving an additional benefit in accordance with this act and shall file such list with the house and senate committees on ways and means and the comptroller not later than September 12, 2003 and shall supplement the list as may be deemed necessary through June 30, 2005. For each such position, the list shall include the item of appropriation from which the position is funded, the name of the public institution in the system of higher education, as defined in said section 5 of said chapter 15A, which is funded by such item, the classification title of the position, the salary range for the title and the salary payable to the person who retired from the position. The list and any supplements shall indicate which of these positions have been refilled, the date on which they were refilled and the annual salary of each refilled position.

(L) Notwithstanding any general or special law to the contrary, no person shall be hired by a division of the University of Massachusetts on a permanent or temporary basis to fill any position made vacant by the retirement of an employee receiving an additional benefit in accordance with this act and the comptroller shall not authorize the payment of any regular compensation, including paid leave, vacation, salary in lieu of vacation, payment in lieu of maintenance, holiday pay, overtime pay and salary differentials from any account funded by an appropriation to any such person on or after August 29, 2003 until June 30, 2005. If it is determined that a position is critical and essential to the operations of 1 or more services provided by the commonwealth, the board of trustees of the University of Massachusetts shall include such position in a schedule which shall include: (i) the classification title of each

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position; (ii) the item of appropriation in which the position is funded; (iii) the number of positions listed in the schedule with the title; (iv) the salary range payable to each position; and (v) the approximate date during the fiscal period of August 29, 2003 to June 30, 2005, inclusive, that it is determined that the position shall be filled. Said board shall prepare 1 or more supplementary schedules in the same form if said board shall determine that a supplementary schedule shall be necessary. The schedule shall be filed with the house and senate committees on ways and means and such positions may be filled prior to June 30, 2005 but in no instance shall such positions be filled earlier than 10 days following the filing of the schedule with said committees; provided, that the total annualized cost of regular compensation paid out by the commonwealth in fiscal year 2004 for refilled positions in the University of Massachusetts shall not exceed 20 per cent of the total annualized cost of regular compensation which would have been paid out by the commonwealth during fiscal year 2004 for the positions vacated in the University of Massachusetts pursuant to the retirement incentive program had such positions not been vacated. The total annualized cost of regular compensation paid out by the commonwealth in fiscal year 2005 for refilled positions in the University of Massachusetts shall not exceed 20 per cent of the total annualized cost of regular compensation which would have been paid out by the commonwealth during fiscal year 2005 for the positions vacated in the University of Massachusetts pursuant to the retirement incentive program had such positions not been vacated.

The board of trustees or the president of the University of Massachusetts shall not create any position title or similar position title within the same item of appropriation as those contained in the list filed pursuant to paragraph (m) of this act, before June 30, 2005.

The comptroller shall authorize the payment of any regular compensation, including paid leave, vacation, salary in lieu of vacation, payment in lieu of maintenance, holiday pay, overtime pay and salary differentials for position titles on file pursuant to paragraph (m).

(M) The board of trustees of the University of Massachusetts shall list each position made vacant by the retirement of an employee of any division of the University of Massachusetts receiving an additional benefit in accordance with this act and shall file such list with the house and senate committees on ways and means and the comptroller not later than September 12, 2003 and shall supplement the list as may be deemed necessary through June 30, 2005. For each such position, the list shall include the item of appropriation from which the position is funded, the name of the public institution in the system of higher education, as defined in section 5 of chapter 15A of the General Laws, which is funded by item, the classification title of the position, the salary range for the title and the salary payable to the person who retired from the position. The list and any supplements shall indicate which of these positions were refilled, the date on which they were refilled and the annual salary of each refilled position.

(N) The Massachusetts Water Resources Authority established pursuant to chapter 372 of the acts of 1984, as amended, may elect to participate in the retirement incentive program by a majority vote of its board of directors, which vote shall occur not later than April 1, 2004. Eligibility for the retirement incentive program shall not exceed that provided in section 1 of this act as applied to the circumstances said authority. Said authority may restructure the retirement incentive program at its discretion but the benefit received by a retiree shall not exceed the retirement benefits provided in section 3. The effective retirement date for employees of the

Massachusetts Water Resources Authority shall be not earlier than the effective date of this act and not later than June 30, 2004.

(O) The executive director of the public employee retirement administration commission shall analyze, study and evaluate the costs and actuarial liabilities attributable to the additional benefits payable in accordance with this act. Said commission shall file a report with the secretary of administration and finance, the joint committee on public service and the house and senate committees on ways and means on or before December 31, 2003.

(P) A state agency with an employee opting into the retirement incentive program under this act shall submit to the house and senate committees on ways and means a report detailing the amounts of sick and vacation time accrued for each such employee.

(Q) Notwithstanding any general or special law or any collective bargaining agreement or other employment contract to the contrary and in consideration of the benefits conferred in this act, an employee who elects to retire under this act and is eligible to receive a payment in lieu of accrued vacation time, unused sick leave or other benefit under such agreement or contract shall waive the required remittance of that payment within 30 days and shall receive 1/5 of such payment on July 1, 2004, 1/5 of such payment on July 1, 2005, 1/5 of such payment on July 1, 2006, 1/5 of such payment July 1, 2007, and 1/5 of such payment July 1, 2008, . Each such employee shall sign a statement that he has agreed to receive 1/5 of such payment on July 1, 2004, 1/5 of such payment on July 1, 2005, 1/5 of such payment July 1, 2006, 1/5 of such payment July 1, 2007, and 1/5 of such payment on July 1, 2008 prior to the approval by the state board of retirement of the employee's application for superannuation benefits and the additional benefit provided by this act. The state board of retirement shall deny an application for early retirement under this act by an employee who belongs to a bargaining unit for which a collective bargaining agreement inconsistent with this section is in effect at the time of that application, unless the employee organization representing that employee has filed with said board and with the secretary of administration and finance a statement waiving any such inconsistent provision of the agreement on behalf of all members of the bargaining unit who file applications under this act.

(R) On or before March 1, 2004, the secretary of administration and finance shall file with the joint committee on public service and the house and senate committees on ways and means a report detailing the number of employees participating in the retirement incentive program, the estimated salary savings in fiscal years 2004 and 2005 as a result of such employees' participation, the number of positions vacated or expected to be vacated as a result of such employees' participation that have been or are expected to be refilled and the estimated salary costs in fiscal years 2004 and 2005 on account of such refilled positions.

SECTION ⁵⁴² 19B of this act shall expire on June 30, 2005.

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113

SECTION 543. Employees who are performing any functions transferred between department or agencies pursuant to this act shall be transferred to the receiving department/agency without impairment of wages, seniority, collective bargaining, civil service status and any other rights.

SECTION 544. Notwithstanding the provision of any general or special law to the contrary, any state or municipal employee who is requested, required or volunteers to participate in a furlough plan offered, requested or required by that employee's employer shall receive the full retirement or pension benefits that would have accrued to that employee had the employee not participated in the furlough program.

~~And move further to amend the bill by striking out section 4 in its entirety.~~

~~And move to further amend the bill by inserting at the end thereof the following section:~~

545
SECTION XX. Section 1F of chapter 425 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by striking out, in line 12 the words "retained revenue account established by the department and used for nuclear power plant environmental monitoring activities" and inserting in place thereof the following "the Radiation Control Trust account".

~~And move to further amend the following section:~~

546
SECTION XX. Chapter 161B of the General Laws is hereby amended by adding the following new section:—

SECTION 11. If at any time any principal or interest is due or about to come due on any bond or note issued by the authority for net cost of service payments owed to the authority by the commonwealth or by the authorities municipal members, and funds to pay the same are not available, the administrator shall certify to the state treasurer the amount required to meet such obligations and the commonwealth shall thereupon pay over to the authority the amount so certified, subject to appropriation.

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SECTION 43. Chapter 6 of the Massachusetts General Laws, as appearing in the 2000 official edition is hereby amended by striking out sections 43, 44 and 45.

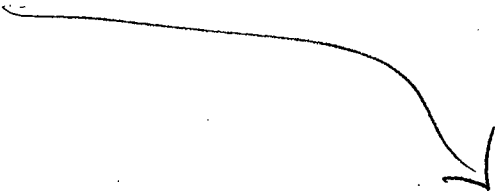
⁽⁵⁴⁸⁾
SECTION 470 Chapter 10 of the Massachusetts General Laws, as appearing in the 2000 official edition is hereby amended by adding at the end thereof the following sections:

Section 64. There shall be a commission to be known as the alcoholic beverages control commission, to consist of a commissioner and two associate commissioners appointed by the treasurer. Not more than two members shall be members of the same political party. The commissioner and one associate commissioner shall serve terms coterminous with that of the treasurer. One associate commissioner shall serve a four-year term. The commissioner shall serve as chairman and shall devote his full time during business hours to his official duties. The positions of commissioner and associate commissioners shall be classified in accordance with section forty-five of chapter thirty and the salaries shall be determined in accordance with section forty-six C of said chapter thirty. Any vacancy may be filled in like manner for the remainder of the unexpired term. The treasurer may remove any member for neglect of duty, misconduct, or malfeasance in office, after providing said member a written statement of the charges and an opportunity to be heard thereon. Two members shall constitute a quorum for the purpose of conducting the business of the commission. A vacancy shall not impair the right of the remaining members to exercise the powers of the commission.

Section 65. The commission shall have general supervision of the conduct of the business of manufacturing, importing, exporting, storing, transporting and selling alcoholic beverages as defined in section one of chapter one hundred and thirty-eight and also of the quality, purity and alcoholic content thereof.

The commission shall submit to the governor, the state treasurer and to the general court as soon as may be after the end of each state fiscal year a full report of its action and of the conduct and condition of traffic in alcoholic beverages during such year, together with recommendations for such legislation as it deems necessary or desirable for the better regulation and control of such traffic and for the promotion of temperance in the use of such beverages. The members shall receive their necessary traveling and other expenses incurred while in the performance of their official duties.

Section 66. The commission may appoint and remove a secretary. It may expend for such investigators, clerical, and other assistants as may be necessary for the performance



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of its duties such amounts as may be appropriated and said employees shall retain all collective bargaining and other rights previously held. The commissioner may appoint a chief investigator and other investigators, who shall be exempt from chapter 31, for the purpose of enforcing or causing to be enforced the penalties provided by law against every person who is guilty of a violation of chapter 138 of the General Laws of which they can obtain reasonable proof, and shall make all needful and appropriate investigations for the said purpose. Each person who receives an appointment as an investigator shall complete a basic reserve police officer training course through the Massachusetts criminal justice training council and attend a basic training course conducted by the commission. All investigators shall attend an annual in-service training course pursuant to this section. Each member of the commission, and each of its employees having access to moneys received by it, shall give to the state treasurer a bond for the faithful performance of his duties in a penal sum and with sureties approved by the state treasurer.

549
SECTION ~~47A~~.

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Section 1 of chapter 138 of the Massachusetts General Laws, as appearing in the 2000 official edition is hereby amended by striking out in line 32 the words 'forty-three of chapter six' and inserting in place thereof the following: 'sixty -four of chapter ten'.

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SECTION 1. Notwithstanding any general or special law to the contrary, no funds appropriated to a state or community college shall be expended for the purpose of issuing or renewing student or employee identification cards which display the social security number of said student or employee.

551
SECTION 1. Notwithstanding any general or special law to the contrary, the board of higher education is hereby authorized and directed to establish a two year pilot program for out of state tuition retention at the Massachusetts College of Liberal Arts and the Massachusetts College of Art. For each institution, the board shall calculate the total tuition collected by these institutions in fiscal year 2003 from out of state students, and shall promulgate

regulations to allow these institutions to retain all out of state tuition in excess of 103% of the fiscal year 2003 out of state tuition amount; provided, further, that said regulations shall ensure that no resident of Massachusetts is denied admission to said institutions as a result of said tuition retention pilot project. The board shall issue a report on the progress of said initiative no later than February 1, 2004 to the house and senate chairs of the joint committee on education, arts, and humanities, and the chairs of the house and senate ways and means committees. Said report shall include the number of out of state students attending said schools, the amount of tuition retained under said program, and the programs or initiatives funded with said retained revenue.

552
SECTION 1. Notwithstanding the provisions of any other general or special law to the contrary, not less than \$300,000 of the amount appropriated in line-item 7511-7961 in section 2 of chapter 267 of the Acts of 1995 shall be expended for the purpose of conducting a study to create a master plan that would assess the capital and facility needs of the T.W. McGee Building and other buildings located on the Lynn campus of North Shore Community College and that would analyze the feasibility of allowing North Shore Community College to enter a multi-year agreement with private entities relative to capital and facility needs at the aforementioned site.

553
SECTION 1. For the purpose of item 7066-0225, the board of higher education shall file any regulations required by said item, after compliance with all applicable provisions of chapter 30A, except section 5, with the clerk of the house of representatives who shall refer such regulations to the joint committee on education, arts and humanities. Within 30 days after such referral, said committee may hold a public hearing on the regulations and shall issue a report to the board of higher education. Said report shall contain any proposed changes to the regulations voted upon by the committee. The board shall review said report and shall adopt final regulations as

deemed appropriate in view of said report and shall file its final regulations with the chairmen of said committee and the house and senate committees on ways and means. If the final regulations do not contain the changes proposed by the committee, the board shall send a letter to the committee accompanying the final regulations stating the reasons why such proposed changes were not adopted.

SECTION 554. Section 1. Section 6 of chapter 46 of the acts of 1997 is hereby repealed.

Section 2. Notwithstanding section 89(i) of chapter 71 of the General Laws or any other general or special law to the contrary, the commissioner of education may assess additional charter school tuition charges to public school districts previously subject to the provisions of section 6 of chapter 46 of the acts of 1997 in order to provide for the continued education of students enrolled in charter schools as of October 1, 2003.

555
SECTION 1. Chapter 222 of the Acts of 2002 is hereby amended by striking out sections 1 and 2.

556
SECTION 1. Notwithstanding any general or special law to the contrary, the joint committee on education, arts and humanities shall study the certification for certain teaching and administrative positions. Said study shall include, but not be limited to, an evaluation of the current test established by the board of education, as well as the possibility of implementing the "PRAXIS II", so-called, published by the Educational Testing Services. Said study shall be submitted to the clerk of the house and the house committee on ways and means not later than December 31, 2003.

SECTION

557

Notwithstanding the provisions of section 14 of chapter 58 of the General Laws relative to the time of application for correction of a determination of the value of land made pursuant to section 13 of said chapter 58 or any other general or special law to the contrary, the board of assessors of the Town of Salisbury may within 90 days of the effective date of this act make such written application to the appellate tax board in connection with the June 13, 2002, notice of such determination received by the Town. The appellate tax board shall act on such application in accordance with said section 14 not less than 30 days following the date of such application. This act shall take effect upon its passage. Or take any other relative action thereto.

SECTION

558

Section 4 of Chapter 71A, as most recently amended by section 1 of Chapter 386 of the Acts of 2002, is hereby further amended by striking the second sentence and inserting in place thereof the following sentence:

Children who are English learners shall be educated through sheltered English immersion during a temporary transition period not normally intended to exceed one school year, provided, however, that kindergarten English learners shall be educated either in sheltered English immersion or English language mainstream classrooms with assistance in English language acquisition, including, but not limited to, English as a second language, so-called.

SECTION

559

Section 4 of Chapter 71A, as most recently amended by section 1 of Chapter 386 of the Acts of 2002, is hereby further amended by striking out the last sentence and inserting in place thereof the following sentence:

"Foreign language classes for children who already know English, two- way bilingual programs for students in grades one through twelve and special educational programs for physically- or mentally-impaired students shall be completely unaffected.

Subsection (a) of section 5 of said Chapter 71A, as most recently amended by section 1 of Chapter 386 of the Acts of 2002, is hereby amended by striking out the third sentence and

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"If a parental waiver has been granted, the affected child may be transferred to classes teaching English and other subjects through bilingual education techniques or other generally recognized educational methodologies permitted by law."

SECTION ⁵⁶⁰ 7. Section 7 of chapter 71A, as most recently amended by section 1 of chapter 386 of the Acts of 2002 is hereby further amended by adding the following two paragraphs:

"English learners in any program shall be taught to the same academic standards and curriculum frameworks as all students, and shall be provided the same opportunities to master such standards and frameworks as other students. Districts shall regularly assess mastery of academic standards and curriculum frameworks."

The district shall send report cards and progress reports, including, but not limited to, progress in becoming proficient in using the English language, and other school communications to the parents or legal guardians of English learners programs in the same manner and frequency as report cards and progress reports of other students enrolled in the district. The reports shall, to the maximum extent possible, be written in a language understandable to the parents and legal guardians of such students."

SECTION ⁵⁶¹ 7. Chapter 71A of the General Laws is hereby amended by inserting after section 7 the following section:

"Section 7A. The office of educational quality and accountability shall conduct on-site visits to school districts at least once every 5 years for the purpose of evaluating the effectiveness of programs serving English learners and to validate evidence of educational outcomes. The evaluation shall include, but not be limited to, a review of individual student records of all

English learners, a review of the programs and services provided to English learners, and a review of the drop out rate of English learners formerly enrolled in the district within the prior 3 years.

In the event a review and evaluation undertaken under this section demonstrates that a district is failing to adequately improve educational outcomes for English learners, the commissioner may recommend to the board of education that any school within the district be declared underperforming under sections 1J and 1K of chapter 69.

SECTION 562.

Section 11 of Chapter 161A of the General Laws, as appearing in the 2000 Official Edition, is hereby amended, in line 13, by inserting after the word "months" the following:-

provided, however, said authority may raise fares if said decrease in ridership occurs in a fiscal year immediately preceding, immediately following or during a fiscal year in which the governor has exercised his emergency powers under section 9C of chapter 29, or if said decrease occurs during a fiscal year in which a terrorist act or an unanticipated grave natural disaster or other natural phenomenon of an exceptional, inevitable and irresistible character, the effects of which could not have been prevented or avoided by the exercise of due care or foresight, occurs in the commonwealth and said act or disaster has a direct or indirect causal connection to said decrease in ridership.

SECTION ⁵⁶³ Chapter 85 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by adding at the end thereof the following new sections:-

Section 37. As used in section thirty-seven A, the following words shall, unless the context clearly requires otherwise, have the following meaning:-

"Direct light", light emitting generally in a downward direction by a lamp, off a reflector, or through a refractor of a luminaire.

"Full-cutoff luminaire", a luminaire that allows no direct light from the luminaire above a horizontal plane through the luminaire's lowest light-emitting part, in its mounted form.

"Glare", direct light emitted by a luminaire that causes reduced visibility of objects or momentary blindness.

"Lamp", the component of a luminaire that produces light.

"Light Pollution", general sky glow caused by the scattering of artificial light in the atmosphere.

"Light trespass", light emitted by a luminaire that shines beyond the boundaries of the

property on which the luminaire is located.

"Lumen", a specific standard unit of measurement of luminous flux.

"Luminaire", a complete lighting unit, including a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply.

"Non-cutoff luminaire", a streetlight luminaire in which either the lamp and surrounding glass lens extends well below the horizontal plane of opaque shielding elements of the luminaire, or the lamp is situated on top of a post or on a pivoting support on the side of a building, causing light to be cast as glare outward and upward, beyond its useful range.

"Outdoor light fixtures", outdoor artificial illuminating devices, permanently installed or portable, used for flood-lighting, roadway and area lighting, general illumination, or advertisement.

"Permanent outdoor luminaire", any fixed luminaire or system of luminaires that is outdoors and that is intended to be used for seven days or longer.

"Roadway lighting", permanent outdoor luminaires that are specifically intended to illuminate roadways for automotive vehicles.

"Semi-cutoff luminaire", a luminaire that allows no more than six percent of the light from the lamp to be emitted above a horizontal plane passing through the luminaire's lowest light-emitting part.

"State funds", any bond revenues or any money appropriated or allocated by the General Court.

Section 37A. No state funds shall be used to install any new permanent outdoor luminaire or to replace an existing permanent outdoor luminaire unless the following conditions are met:

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(a) The new or replacement luminaire is a full-cutoff luminaire when the rated output of the luminaire is greater than one thousand eight hundred lumens;

(b) If a lighting recommendation or regulation applies, the minimum illuminance specified by the recommendation or regulation is used;

(c) If no lighting recommendation or regulation applies, the minimum illuminance adequate for the intended purpose is used with consideration given to recognized standards, including, but not limited to, recommended practices adopted by the illuminating engineering society of North America (IESNA);

(d) For roadway lighting unassociated with intersections of two or more streets or highways, a determination is made by the department of highways that the purpose of the lighting installation or replacement cannot be achieved by installation of reflectorized roadway markers, lines, warnings or informational signs, or other passive means; and

(e) Adequate consideration has been given to the conservation of energy and to the minimization of glare, light pollution, and light trespass. The requirements of this section shall not apply in any of the following circumstances, settings or location:

(1) a federal law, rule or regulation preempts state law;

(2) the outdoor lighting fixture is used on a temporary basis by emergency personnel requiring additional illumination for emergency procedures or used by repair personnel on a temporary basis for road repair;

(3) navigational lighting systems at airports and other lighting necessary for aircraft safety;

(4) special events or situations that may require additional illumination, including, but not limited to, sporting events and the illumination of historic structures, monuments, or flags;

provided however, that all such illumination shall be selected and installed to shield the lamp used from direct view to the greatest extent possible, and to minimize upward lighting and light trespass;

(5) any urban area where there is high night-time pedestrian traffic which has been examined by an engineer employed by the commonwealth and experienced in outdoor lighting and deemed to be an area where the installation of semi-cutoff luminaires is necessary;

(6) a state prison, county house of correction or county jail; or

(7) when a compelling safety interest exists that cannot be addressed by any other method.

The division of energy resources, in consultation with the department of highways, shall promulgate regulations to implement and enforce this section, including a system to ensure that the use of state funds for street lighting complies with the requirements set forth herein. Said regulations shall include the establishment of a waiver process, to be administered by the secretary of administration and finance or his designee, whereby a state agency, division or department may apply for and be granted an exemption from the requirements of this section on the grounds that a bonafide operational, temporary, safety or specific aesthetic need exists to an extent that warrants such an exemption or upon the establishment by said agency, division or department that the installation and use of the permanent outdoor luminaries required by this section will not be cost effective over the expected use life of said luminaries.

SECTION ⁵⁶⁴ The provisions of this act shall take effect as of November 1, 2003.

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SECTION 1. Chapter 81A of the General Laws as appearing in the 2000 Official

Edition is hereby amended by adding after section 14 the following section:-

Section 14A. (a) As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meaning:-

"Direct light", light emitting generally in a downward direction by a lamp, off a reflector, or through a refractor of a luminaire.

"Full-cutoff luminaire", a luminaire that allows no direct light from the luminaire above a horizontal plane through the luminaire's lowest light-emitting part, in its mounted form.

"Glare", direct light emitted by a luminaire that causes reduced visibility of objects or momentary blindness.

"Lamp", the component of a luminaire that produces light.

"Light Pollution", general sky glow caused by the scattering of artificial light in the atmosphere.

"Light trespass", light emitted by a luminaire that shines beyond the boundaries of

the property on which the luminaire is located.

"Lumen", a specific standard unit of measurement of luminous flux.

"Luminaire", a complete lighting unit, including a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply.

"Non-cutoff luminaire", a streetlight luminaire in which either the lamp and surrounding glass lens extends well below the horizontal plane of opaque shielding elements of the luminaire, or the lamp is situated on top of a post or on a pivoting support on the side of a building, causing light to be cast as glare outward and upward, beyond its useful range.

"Outdoor light fixtures", outdoor artificial illuminating devices, permanently installed or portable, used for flood-lighting, roadway and area lighting, general illumination, or advertisement.

"Permanent outdoor luminaire", any fixed luminaire or system of luminaires that is outdoors and that is intended to be used for seven days or longer.

"Roadway lighting", permanent outdoor luminaires that are specifically intended to illuminate roadways for automotive vehicles.

"Semi-cutoff luminaire", a luminaire that allows no more than six percent of the light from the lamp to be emitted above a horizontal plane passing through the luminaire's lowest light-emitting part.

(b) The lessee, user or occupant of real property of the authority leased, used, or occupied in connection with a business conducted for profit, shall retrofit existing permanent outdoor luminaires or install new permanent outdoor luminaires that meet the following conditions:

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- (1) The new or replacement luminaire is a full-cutoff luminaire when the rated output of the luminaire is greater than one thousand eight hundred lumens;
- (2) If a lighting recommendation or regulation applies, the minimum illuminance specified by the recommendation or regulation is used;
- (3) If no lighting recommendation or regulation applies, the minimum illuminance adequate for the intended purpose is used with consideration given to recognized standards, including, but not limited to, recommended practices adopted by the illuminating engineering society of North America (IESNA);
- (4) For roadway lighting unassociated with intersections of two or more streets or highways, a determination is made by the Massachusetts turnpike authority that the purpose of the lighting installation or replacement cannot be achieved by installation of reflectorized roadway markers, lines, warnings or informational signs, or other passive means; and
- (5) Adequate consideration has been given to the conservation of energy and to the minimization of glare, light pollution, and light trespass.

The requirements of this section shall not apply in any of the following circumstances, settings or location:

- (i) a federal law, rule or regulation preempts state law;
- (ii) the outdoor lighting fixture is used on a temporary basis by emergency personnel requiring additional illumination for emergency procedures or used by repair personnel on a temporary basis for road repair;
- (iii) special events or situations that may require additional illumination, including, but not limited to, the illumination of historic structures, monuments, or flags; provided, however,

that all such illumination shall be selected and installed to shield the lamp used from direct view to the greatest extent possible, and to minimize upward lighting and light trespass;

(iv) when a compelling safety interest exists that cannot be addressed by any other method.

(v) the lessee, user, or occupant's permanent outdoor luminaires currently meet the above conditions.

(c) The division of energy resources, in consultation with the Massachusetts turnpike authority, shall promulgate regulations to implement and enforce this section.

(d) The lessee, user or occupant shall comply with this section by January 1, 2008.

SECTION ⁵⁶⁶ Paragraph (1) of subsection (c) of section 29F of chapter 29 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after the word "safety;", in line 70, the following words:- or (ix) repeated or aggravated violation of any state or federal law protecting the environment;.

SECTION ⁵⁶⁷ Paragraph (2) of said subsection (c) of said section 29F of said chapter 29, as so appearing, is hereby amended by inserting after the words "record of health and safety", in line 82, the following words:- or environmental."

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Any individual who has been in the state retirement system for more than thirty-five (35) years, with at least ten (10) or more years of said thirty-five (35) years having been in the employment of the Massachusetts Water and Resources Administration; who, in the course of his/her state employment was exposed to asbestos or other hazardous materials; and who has been diagnosed with an extraneously cancer related illness as well as an extraneously cardio-vascular and/or cardiac related illness, will be eligible for early retirement with surviving spouse benefits at a compensation rate equivalent to his/her current salary, if said individual makes application for an early retirement on or before December 31, 2003.

and moves that the bill be further amended by adding at the end thereof the following sections:

SECTION ⁵⁶⁹ A. (a) Section 62 of Chapter 177 of the Acts of 2001 is hereby amended by striking the first sentence of subsection (a) and inserting in place thereof the following:—
The secretary of the executive office of elder affairs, the commissioner of the group insurance commission and the commissioners of the departments of public health, mental health and mental retardation shall form a prescription drug procurement unit which shall develop a program of aggregate purchase of all prescription drugs or a program to negotiate discounts directly with pharmaceutical companies on behalf of the unit and its member agencies and may, if feasible, develop a plan to pass on negotiated discounts to uninsured or underinsured residents of the Commonwealth.

(b) Section 62 of Chapter 177 of the Acts of 2001 is amended by inserting at the end of subsection (a) the following new paragraph:—
The names of pharmaceutical companies who do and do not enter into either a program of aggregate purchase of prescription drugs or a program of negotiated discounts with the prescription drug procurement unit created in this section are public information. The unit shall release this information to health care providers and the public on a regular basis and shall publicize participation by pharmaceutical companies that is of particular benefit to the public. The Commissioner of the Division of Medical Assistance may impose prior authorization requirements in the Medicaid program as part of the MassHealth drug list, so called, administered by the Commonwealth, as permitted by law, for the dispensing of prescription drugs provided by those pharmaceutical companies who do not enter into either a program of aggregate purchase of prescription drugs or a program of negotiated discounts with the prescription drug procurement unit.

SECTION ⁵⁷⁰ A. Notwithstanding the provisions of any general or special law to the contrary, the division of health care finance and policy shall conduct a study on determining the rate of payment for those pharmacies that dispense prescribed drugs to nursing homes, assisted living facilities, hospice programs and similar institutional sites of care, those pharmacies that dispense sterile intravenous drugs ordered by physicians to patients in their homes, and all other pharmacies. Said division shall submit a report on said study not later than October 1, 2003 to the house and senate committees on ways and means and shall recommend an accurate rate for said pharmacies.

SECTION ⁵⁷¹ A. Notwithstanding the provisions of any general or special law to the contrary, prior to the termination of aliens eligible for benefits under line items 4000-0430, 4000-0870 and 4000-0880, the division of medical assistance shall review the eligibility of all aliens receiving assistance under said line items to assure that all federally eligible aliens are identified and their cost of coverage reimbursed by the federal Medicaid program to the greatest extent possible consistent with federal law.

SECTION ⁵⁷² A. Notwithstanding any general or special law to the contrary, the comptroller shall certify that all revenues generated from license fees, permit fees and any other sources of revenue pertaining to inland fishing, hunting and trapping permit fees under the provision of section 22A, from the sale authorized in section 6 and sums

received by the commonwealth from the federal government as reimbursed, grants in aid or other receipts on account of activities of the former division of fisheries, wildlife and law enforcement and any and all interest generated from the balances of said fund shall be expended solely upon the following: the payment of general administrative expenses of the subdivision of fisheries and wildlife, for acquiring, maintaining or leasing public fishing rights on land on inland streams and ponds, including stream management and the creation of new ponds, for acquiring, maintaining or leasing public hunting rights on land within the commonwealth, for biological surveys of the inland waters of the commonwealth, for propagation of game birds and fish, for salvaging and distributing game birds and fish, for acquisition and maintenance of wildlife sanctuaries and fish and wildlife management areas, for maintaining water resources to provide an adequate water supply for wildlife, for maintaining sources of food for game birds, for other general purposes of said division and said executive office, for payment of the amount necessary for personal services and other expenses for and on account of the enforcement of laws relating directly to game and inland fisheries, such amounts to be determined by the commissioner of administration, for the payment of fringe and related costs as determined by the state comptroller. Upon the determination of the state comptroller, any transfers authorized in this act that would divert funds from the purposes stated herein and would result in the loss of receipt of federal reimbursements, grants in aid or other forms of federal assistance, shall not occur. The Comptroller shall certify annually to the General Court the amount of revenues received and expended pursuant to the provisions of this section.

SECTION ⁵⁷³ A. Notwithstanding the provisions of any general or special law to the contrary, it is the intent of the House to work in collaboration with the executive office of health and human services to advance an uncompensated care pool proposal that protects all hospitals, especially safety net hospitals and community health centers that provide the largest share of uncompensated care, while maximizing federal financial participation and implementing streamlined and cost-effective management reforms.

SECTION ⁵⁷⁴ A. Notwithstanding any general or special law to the contrary the department of parks and recreation shall be obligated to do the following (a) continue to maintain a visitors' informational center at the Quabbin Reservation (b) continue to provide access and recreational activities that are consistent with the access and recreation provided in current plans, (c) continue to operate the Quabbin watershed advisory committee and a Ware River watershed advisory committee as provided in section 114 of Chapter 92. On July 1, 2003, ownership, possession and control of the system personal property as it relates to the watershed system shall pass to and be vested in without consideration or further evidence of transfer, and shall thereafter be in the ownership, possession and control of the department of parks and recreation. All such system personal property shall include, without limitation, records, books, maps, plans and documents of any kind and description, and held in any media including without limitation computerized data, provided that all records pertaining to the history of the Swift River and Ware River Valleys, land takings therein, Quabbin Reservoir construction and matters regarding the 4 discontinued towns and extant adjacent communities shall remain accessible to the public at the Quabbin Reservoir

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administrative facilities in Belchertown, Massachusetts. The disposition of said property shall be subject to Article 97 of the Massachusetts Constitution and approval of the Governor. Such land disposition shall be made only upon the finding that such land no longer provides protection for the water supply system. Said department of parks and recreation, acting only on behalf of the Commonwealth, may acquire from any person, real property or any interest or rights therein deemed by it essential for the operation, improvement, maintenance, management or enlargement of the watershed system, by purchase, by gift or by eminent domain in accordance with the provisions of Chapter 79 or Chapter 80A of the General Laws, without the further prior approval of the Governor or the General Court; provided, that all such acquired watershed lands shall be held in the name of the Commonwealth of Massachusetts. Such acquired watershed lands shall become part of the department of parks and recreation system of real property under its operation. No disposition of any lands acquired as part of the watershed system or rights in supply or acquisition of rights in sources of water supply may occur without the prior approval of the Governor and the General Court; provided, that such approval be in compliance with the provisions of Article 97 of the Massachusetts Constitution.

SECTION ⁵¹⁵ Section 12 of chapter 118E of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting at the end of the first paragraph thereof the following sentence:— The division shall adopt and amend regulations, in accordance with chapter thirty A, for the administration of its duties and powers and to effectuate the provisions and purposes of this chapter. Regulations which restrict coverage or covered services shall be adopted only after public notice and hearing.

SECTION ⁵¹⁶ Notwithstanding the provisions of any general or special law, rule or regulation to the contrary, the Division of Medical Assistance may on a Demonstration basis in the area defined and limited under the federally funded DOHHS URSA CAP Grant 1-G92-OA 00005-02 provide benefits described in section 9C of chapter 118E to employees and employers who are described and limited under the terms of the program set forth in said Demonstration, and may expend monies from any appropriation for benefits provided under said section 9C to also provide benefits specified in said Demonstration expanding the income limits set forth in section 9C from 200% to 300% of the federal poverty level, provided that the Division will seek to obtain a modification of its Demonstration, as defined in subsection (1) of section 9A of chapter 118E, that would allow for federal reimbursement for some or all of the expenditures for providing the benefits specified in the Demonstration; further provided that said Demonstration, without expenditure of monies from any appropriation for benefits provided under said section 9C, also be permitted to offer health coverage to employees between 300% and 400% of the federal poverty level. The provisions of M.G.L.c.176J, sections 3-8, inclusive, and 211 CMR 66.00 shall not apply to health coverage provided by carriers pursuant to this section."

SECTION ⁵¹⁷ Section 242 of this Act shall be effective on October 1, 2003.

SECTION ⁵¹⁸ Notwithstanding the provisions of any general or special law to the contrary, each state and community college shall require that all students enrolled in 9 or

more credits submit written documentation evidence of adequate medical insurance coverage. A list of the names, addresses, and social security numbers of all students indicating any form of MassHealth insurance coverage shall be forwarded to the Division of Medical Assistance for evaluation of alternative insurance options.

The Division may assist in the purchase of group health insurance, including insurance offered through a college or university, on behalf of an eligible MassHealth member, provided that the Division has determined that the purchase of such insurance is cost-effective and will be provided at no cost to the Commonwealth. The Division shall deny eligibility to any adult who refuses to enroll in other available insurance.

SECTION ⁵⁷⁹_A. Notwithstanding the provisions of any general or special law to the contrary and pursuant to outside section 462, the division of medical assistance and the division of health care finance and policy shall take any appropriate action to obtain the maximum amount of federal financial participation available for the said transfer amount and any remaining balances in the Uncompensated Care Trust Fund, including but not limited to rate increases for eligible hospitals, for purposes of funding a program of senior pharmacy.

SECTION ⁵⁸⁰_A. Notwithstanding the provisions of any general or special law or regulation to the contrary, the division of health care finance and policy or successor agency thereto, in establishing the rates effective January 1, 2002 and thereafter of Medicaid reimbursement for long term care facilities located on Martha's Vineyard, shall recognize those additional nursing, fixed and variable costs that result from operating a geographically isolated nursing facility located on Martha's Vineyard. The division of medical assistance or successor agency thereto, pursuant to the second paragraph of section 12 and section 14 of Chapter 118E of the General Laws, is hereby authorized to enter into contracts and amendments to the provider agreements with such long term care facilities to implement the rate adjustment provided for by this section."

SECTION ⁵⁸¹_A. Notwithstanding the provisions of any general or special law to the contrary, the executive office of elder affairs in consultation with the division of medical assistance and the division of insurance shall develop a program of public education designed to inform elders of their options for long term care health care coverage and the consequences of transferring assets for less than fair market value prior to entering a nursing home. The program shall include information about Medicare coverage, MassHealth coverage, long term care insurance and options for community-based long term care. Said executive office shall submit a report to the house and senate committees on ways and means not later than February 1, 2004 on the progress of the development of said program and details on its implementation.

SECTION ⁵⁸²_A. Notwithstanding the provisions of any general or special law to the contrary, no funds from the Health Care Quality Improvement Trust Fund established in section 2EEE of chapter 29 of the General Laws or appropriated in items 4000-0600 of any general appropriation act shall be used directly or indirectly by a recipient nursing home or health care facility for political contributions, lobbying activities, entertainment expenses or efforts to assist, promote, deter or discourage union organizing. As a

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condition of receiving monies from the fund or item 4000-0600, a nursing home or health care facility shall provide a certification to the division of medical assistance that no funds shall be used for such activities. If the division determines that a recipient of monies from the fund or item 4000-0600 has spent such monies in violation of this section, the recipient nursing home or health care facility shall be required to document the cost of such activity. The division of medical assistance shall conduct an investigation or audit if a complaint is filed by any person alleging a violation of this section. The division shall consider that there is a rebuttable presumption that such activities were funded in part from such monies and shall require the recipient nursing home or health care facility to provide all appropriate information and documentation showing that no such monies were used for activities in violation of this section. An expense, including legal and consulting fees and salaries of supervisors and employees, incurred for research for, preparation, planning or coordination of, or carrying out an activity to assist, promote or deter union organizing shall be treated as paid or incurred for that activity. An expense incurred in connection with:

- (1) addressing a grievance or negotiation or administering a collective bargaining agreement;
- (2) performing an activity required by federal or state law or by a collective bargaining agreement; or
- (3) obtaining legal advice about rights and responsibilities under federal or state law shall not be treated as paid or incurred for activities to assist, promote, deter or discourage union organizing. Monies spent in violation of this section shall be reimbursed to the fund or the division of medical assistance as appropriate.

SECTION ⁵⁸³ 1. The comptroller is hereby authorized and directed to transfer \$28,000,000 from any trust funds belonging to the division of medical security to the uncompensated care trust fund.

SECTION ⁵⁸⁴ 1. Notwithstanding the provisions of any general or special law to the contrary, the division of medical assistance and the division of health care finance and policy shall take any appropriate action to obtain the maximum amount of federal financial participation available for all monies in the uncompensated care trust fund and transfers made to said fund as authorized by this act. For pool fiscal year 2004, \$118,000,000 transferred to said fund pursuant to the provisions of this act shall be distributed to acute care hospitals in the form of one-time Medicaid rate enhancements for existing Medicaid services provided at said acute hospitals.

SECTION ⁵⁸⁵ 1. Section 38 of Chapter 118E of the General Laws is hereby amended by adding at the end thereof the following new section:

Section 38A. The Division of Medical Assistance is hereby directed to promulgate regulations designed to (a) streamline and simplify signature authorization procedures for clinical laboratory services, and specifically to exclude, as a condition of payment for any laboratory test order form, a physician's handwritten signature, and (b) clarify the billing procedures for specimen referral where the referring laboratories and testing laboratories are subsidiary related. Any change to existing regulation shall require the referring

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laboratory to disclose on its claim forms (i) the MassHealth provider number for the testing laboratory and (ii) the tests performed by the testing laboratory.

SECTION ⁵⁸⁶~~7~~. Subsection (n) of section 18 of Chapter 118G of the General Laws is hereby amended by striking out the following:— “those acute hospitals with the greatest proportional requirement for pool income shall receive a greater proportional payment from said pool” and inserting in place thereof the following:— “all acute hospitals shall receive payment proportional to pool income.”

SECTION ⁵⁸⁷~~7~~. Sections 39 and 40 of Chapter 19A are hereby repealed.

SECTION ⁵⁸⁸~~7~~. Section 4C of chapter 19A of the general laws is hereby repealed.

SECTION ⁵⁸⁹~~7~~. Chapter 118E of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after section 16A½ the following sections:—

Section 16B. (a) For the purposes of this section and section 16B½, the following words shall, unless the context clearly requires otherwise, have the following meanings:—

“Division,” the division of medical assistance.

“Eligible person,” a resident of the commonwealth who:

(1) is 65 years of age or older; or

(2) has a gross annual household income less than or equal to 133 per cent of the federal poverty level, does not work more than 40 hours per month and meets: (i) the disability requirements of the CommonHealth program, so-called, under clause (h) of subsection (2) of section 9A of chapter 118E, notwithstanding the income eligibility requirements under said clause (h); or (ii) the disability requirements of the CommonHealth program, so called, under section 16 of said chapter 118E, notwithstanding the income eligibility requirements under said clause (h); or (iii) the disability requirements of the CommonHealth program, so-called, under section 16A of said chapter 118E; or

(3) is not eligible for pharmacy benefits or coverage under said chapter 118E other than under said clause (h) of said subsection (2) of said section 9A, said section 16, or said section 16A of said chapter 118E.

“Enrollee,” an eligible person who has applied and enrolled in the program established by this section.

“Enrollment,” the process during which the program accepts and receives applications for the purpose of review, determination of eligibility and approval of applicants for entry into the program.

“Mail service program,” a program to dispense prescription drugs by postal delivery service designated and administered by the department, and any entity with which it contracts, upon an enrollee's submission of a prescription and the applicable co-payment.

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"Maintenance drug," a prescription drug prescribed to an individual for a chronic condition, the use of which is medically necessary for a consecutive period of 90 days or longer.

"Open Enrollment," a period of time as determined by the secretary during which the program accepts enrollment forms from eligible applicants age 66 or over who did not enroll during the period in which they were initially eligible.

"Out-of-Pocket Expenditures," the total amount paid by an enrollee to satisfy the applicable annual deductible and co-payments, not including monthly premiums.

"Pharmacy benefit manager," an entity under contract with the department, whether organized on a for-profit or a not-for-profit basis, contracted to manage the program established by this section.

"Program," the subsidized catastrophic prescription drug insurance program.

"Review commission," the prescription drug review commission.

"Secretary," the secretary of the executive office of health and human services.

(b) The division shall administer a subsidized catastrophic prescription drug insurance program in collaboration with the patient assistance program established by section 16¾ of Chapter 118E of the General Laws designed jointly to provide eligible persons with prescription drug coverage. The subsidized catastrophic prescription drug insurance program shall be the payer of last resort for the provision of such outpatient prescription drug coverage. Said program shall be actuarially sound. Enrollment in said program shall be voluntary and shall be funded each fiscal year, subject to appropriation.

(c) The secretary shall enter into a competitively procured contract with one or more entities including, but not limited to, a non-profit pharmacy benefit manager, to administer benefits under the program. The secretary shall take all necessary steps to ensure that the program is structured in a way that maximizes federal financial participation, savings, efficiencies, affordability, benefits and coverage. The procurement shall explicitly be made a part of, or said contract shall be performed in conjunction with, the aggregate purchasing program established by section 271 of chapter 127 of the acts of 1999, or any successor statute. The division shall contract with entities to perform marketing, enrollment, billing, claims processing, claims management or any other function it deems necessary.

(d) No outpatient prescription drug shall be excluded from any formulary established for the program unless another outpatient prescription drug is available on said formulary that is therapeutically equivalent to the excluded outpatient prescription drug; but the secretary may establish a formulary that excludes certain outpatient prescription drugs or classes of outpatient prescription drugs upon said secretary's written determination, pursuant to subsection (q), that the exclusion is necessary to maintain the fiscal viability

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of the program. The review commission shall review and comment on the formulary and any changes thereto.

(e) Notwithstanding any general or special law to the contrary, the department shall, subject to appropriation, engage in outreach marketing efforts to maximize enrollment in the program for the purpose of spreading the risk, so-called, of the program established herein.

(f) Not later than thirty days prior to enrolling eligible persons in said program, and annually thereafter, the division shall establish a schedule of monthly premiums and annual deductibles based on a sliding income scale payable by enrollees. The division shall establish a separate schedule of monthly premiums and deductibles based on a sliding income scale payable by married applicants. Each enrollee shall separately pay the applicable monthly premium and annual deductible according to the applicable monthly premium and deductible schedule.

(g) The determination of eligibility for the program shall be based on an enrollee's gross annual household income. The department or its designee shall verify income for the program based on the submission of the most recently required federal income tax return for the household or, if an applicant is not required to file a return, the submission of copies of 1099 forms or other easily obtainable means of income verification. Residency shall be verified by the submission of such documentation as the department deems reasonable.

(h) After an enrollee satisfies his or her applicable out-of-pocket annual deductible amount, the program shall pay the costs of any outpatient prescription drug in excess of an enrollee's applicable co-payment amount. Subject to this section, the program shall pay the costs of all outpatient prescription drugs after an enrollee's out-of-pocket expenditures for outpatient prescription drugs exceeds \$3,000 in out-of-pocket expenditures made by an enrollee for co-payments and deductibles in a fiscal year. The plan shall pay the cost of all outpatient prescription drugs for married enrollee's who are both enrolled and residing in the same household after such enrollee's combined out-of-pocket expenditures for outpatient prescription drugs exceeds \$3,000 in combined out-of-pocket expenditures made by such married enrollee's for co-payments and deductibles in a fiscal year. For purposes of this paragraph, out-of-pocket expenditures shall not include any amounts paid by an enrollee as a condition to receiving outpatient prescription drugs from any other source.

(i) An enrollee shall be responsible for a monthly premium. Effective July 1, 2003 for all enrollees, monthly premiums shall be: (1) \$10 for those with household incomes up to 188 per cent of the federal poverty level and an individual \$24 quarterly deductible; (2) \$20 for those with household incomes between 188 per cent and 225 per cent of the federal poverty level and an individual \$60 quarterly deductible; (3) \$30 for those with household incomes between 225 per cent and 300 per cent of the federal poverty level and an individual \$120 quarterly deductible; (4) \$60 for those with household incomes between 300 per cent and 400 per cent of the federal poverty level and an individual \$240

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quarterly deductible; (5) \$75 for those with household incomes between 400 per cent and 500 per cent of the federal poverty level and an individual \$240 quarterly deductible; (6) \$99 for those with household incomes above 500 per cent of the federal poverty level and an individual \$300 quarterly deductible.

(j) Subject to this section, the division shall offer a mail service program and may require the use of a mail service program for maintenance drugs. Co-payments, premiums, and deductibles may be adjusted annually by said division to reflect price trends for prescription drugs, as determined by the secretary. The review commission shall evaluate the actuarial assumptions and the appropriateness of such adjustments, and make an annual determination whether such adjustments are necessary to maintain the fiscal viability of said program.

(k) An eligible person may enroll in the program during the open enrollment period which shall be held from March 1 until March 31 each year.

(l) Coverage shall be effective as of the date an application for enrollment is approved by the department. The secretary shall close enrollment or an established open enrollment period or modify premium and eligibility income levels upon a written determination by the secretary that program expenditures are projected to exceed the amount appropriated for the program or, based on not less than nine months of claims and enrollment data for the current fiscal year, expenditures in the subsequent fiscal year are clearly projected to annualize beyond the expenditures projected by the department in the subsequent fiscal year.

(m) The division, and any entity with which it contracts, shall inform enrollees in writing of the program's scope, coverage, cost sharing requirements and any limitations on access to outpatient prescription drugs. The division shall create a process that provides for a clear and timely process by which enrollees can seek review of a decision by the department or any contracted entity to deny or limit coverage or benefits under this section.

(n) The appeal process shall, at a minimum, provide enrollees with the opportunity to (1) obtain a nonpreferred drug at the co-payment level of a preferred drug, or to obtain any prescription drug excluded by the program, upon the separate written certification by the enrollee's physician, satisfactory to the department, that the nonpreferred or excluded drug is medically necessary and there is no therapeutically equivalent preferred drug available to the enrollee on the formulary established for the program, and documentation, satisfactory to the department from the enrollee exhibiting that payment for such drug would create a financial hardship to said enrollee; (2) appeal the exclusion of any prescription drug from any formulary established for said program, upon the separate written certification by the enrollee's physician, satisfactory to the department, that the nonpreferred or excluded drug is medically necessary, that there is no therapeutically equivalent preferred drug available to the enrollee on the formulary established for the program, and documentation, satisfactory to the department, from the enrollee exhibiting that payment for such drug will create a financial hardship to said

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enrollee. An enrollee may apply to be exempt from any mail service requirement of the program upon a separate written certification by the enrollee's physician, satisfactory to the department, that due to a disability or other significant limiting factor, the use of such a mail service program would be medically inappropriate for the enrollee.

(o) A retail pharmacy shall not be required to dispense an outpatient prescription upon the failure of an enrollee to make the required co-payment.

(p) The Secretary shall promulgate such rules and regulations as may be necessary to implement and administer the program.

(q) In the event that the Secretary determines that the program is unsustainable and that modifications to the terms of the program are necessary to sustain the long term viability and cost effectiveness of the program, said secretary shall submit a report to the clerks of the house and senate and the prescription drug review commission certifying said determination and detailing necessary program modifications; provided, that not less than 30 days prior to implementing any such program modifications, said secretary shall issue public notification and convene a public hearing on any such findings and proposed changes. Notwithstanding this section, the secretary shall make necessary adjustments or rescind any modifications to the terms of the program, including to the program formulary or to the cost sharing required of low income enrollees, to the extent necessary to obtain federal financial participation or federal reimbursement for program expenditures.

(r) The provisions of this section (h) shall apply to persons who enroll in said program after July 1, 2003. Persons enrolled prior to July 1, 2003 shall be subject to a \$2,000 out-of-pocket expenditure made by an enrollee for co-payments and deductibles in a fiscal year as was in effect prior to July 1, 2003.

Section 16B½. (a) There shall be a prescription drug review commission, hereinafter referred to as the commission, to oversee the program established in section 16B. The commission shall consist of: the speaker of the house of representatives; the president of the senate; the chairs of the house and senate ways and means committees or their designees; the co-chairs of the joint committee on health care or their designees; the secretary of elder affairs or his designee and 9 members to be appointed by the governor, including 2 representatives of senior citizens' advocacy organizations, 2 representatives of disability advocacy organizations, a health care economist from a university or college within the commonwealth, 2 representatives from retail pharmacies, an individual who is a full-time employee of a pharmaceutical manufacturer and an individual who is a full-time employee of a biotechnology manufacturer. A representative of the contracted pharmacy benefit manager shall also participate, but shall not be a voting member of the commission.

(b) The commission shall be co-chaired by the speaker of the house of representatives and the president of the senate. The commission shall adopt such rules and establish such procedures as it deems necessary for the oversight of the program established in section

39. No action of the commission shall be considered approved unless it is endorsed by a majority vote of the commission.

(c) The commission shall meet annually and shall, not less than annually, submit written recommendations to the governor regarding changes to the administration, management, eligibility criteria, benefits, funding or any other aspect of the program.

(d) To facilitate the commission's development of the recommendations, the department, and any entity with which it contracts, shall review the operations of the program and, not less than biannually, prepare and submit the following summary information to said commission:—

(1) financial reports of said program, including actual and projected costs and revenues and an analysis of the adequacy of appropriated funding;

(2) enrollment information, including enrollee demographics and benefit utilization data;

(3) specific problems associated with the program and suggested strategies to resolve such problems;

(4) a review of the pharmacy benefit manager's designated formulary for the program and any proposed changes thereto;

(5) an analysis of current and future technological advancements that may result in cost savings or otherwise affect the program;

(6) an analysis of the program's cost sharing requirements including, but not limited to, co-payments, premiums and deductibles, in relation to actual market trends in outpatient prescription drug costs, prescription drug inflation and any proposed changes thereto;

(7) an analysis of the disabled enrollees, drug utilization pattern including, but not limited to, the cost associated with such utilization and the implications for expanding benefits to all disabled individuals who reside in the commonwealth; and

(8) all other information requested by the commission.

In developing its recommendations, the commission shall consult with representatives of parties who may be affected by the commission's recommendations including, but not limited to, the drug formulary commission, as established by section 13 of chapter 17.

Section 16B¾. (a) For the purposes of this section, the following words shall have the following meanings:

"Eligible person", a resident of the commonwealth at the time of application.

18/

"Division", the division of medical assistance.

"Participating manufacturer", a pharmaceutical manufacturer which offers prescription medications or nonprescription medications at a reduced cost or free of charge to indigent persons pursuant to a voluntary drug assistance program.

"Prescription medications", prescription drugs that have been approved as safe and effective by the federal Food and Drug Administration or are otherwise legally marketed in the United States and that are manufactured and offered by pharmaceutical companies.

(b) There is hereby established the pharmacy outreach program for the purposes of assisting residents of the commonwealth in obtaining free or low cost prescription medications or nonprescription medications from pharmaceutical manufacturers and educating such persons about health care issues related to medications. The division shall administer the program in conjunction with an outside vendor who shall be selected by the division pursuant to procurement regulations promulgated under the authority of the executive office of administration and finance.

(c) The pharmacy outreach program shall assist eligible persons in procuring free or low cost prescription medications or nonprescription medications by:

(1) evaluating the likelihood of success of an eligible person's obtaining free or low cost prescription medications or nonprescription medications from a participating manufacturer under the guidelines formulated;

(2) assisting an eligible person with the preparation of an application for prescription medications or nonprescription medications to participating manufacturers; and

(3) coordinating and assisting a physician registered pursuant to section 2 of chapter 112 with communications, including applications, made on behalf of an eligible person to a participating manufacturer for the purpose of obtaining approval of the eligible person in any voluntary drug assistance program.

(4) enrolling eligible persons into a prescription drug assistance program designed to ensure that eligible persons can efficiently access free prescription medication through the pharmaceutical manufacturers' "patient assistance programs". For the purposes of the patient assistance programs, eligible person shall be defined as "a resident of the commonwealth who: (1) is 65 years of age or older; and (2) has a gross annual household income less than or equal to 175 per cent of the federal poverty level; and (3) is not eligible for pharmacy benefits under chapter 118E or any other insurance plan or program or has exhausted benefits from their current program." Enrollment in the program shall be voluntary. The Commonwealth may be liable for any initial enrollment fee and 50 per cent of the co-pay, if one has been established by the vendor, to cover the administrative costs of obtaining the free prescription medications from pharmaceutical manufacturers' in accordance with their respective "patient assistance program". Program enrollees may be responsible for co-payments not to exceed 50 per cent of the administrative cost of

obtaining the free prescription medication. For those medications not included in the manufacturer's "patient assistance program", enrollees will be responsible for a fixed copay, which will be equal to 50 per cent of the administrative cost of obtaining a free medication, with the Commonwealth paying any additional costs for medications not available through a manufacturer's "patient assistance program". The determination of eligibility for the program shall be based on an enrollee's gross annual household income. The division or its designee shall verify income for the program based on the submission of the most recently required federal income tax return for the household or, if an applicant is not required to file a return, the submission of copies of 1099 forms or other easily obtainable means of income verification. Residency shall be verified by the submission of such documentation as the department deems reasonable. Persons will be eligible to enroll at any time after they have reached the age of 65. Coverage shall be effective as of the date an application for is approved by the department. Enrollees shall be informed in writing of the program's scope, coverage, cost sharing requirements and any limitations on access to outpatient prescription drugs. The department shall create a process that provides for a clear and timely process by which enrollees can seek review of a decision by the department or any contracted entity to deny or limit coverage or benefits under this section. The secretary shall promulgate such rules and regulations as may be necessary to implement and administer the program. In the event that the secretary determines that the program is unsustainable and that modifications to the terms of the program are necessary to sustain the long term viability and cost effectiveness of the program, said secretary shall submit a report to the clerks of the house and senate and detailing necessary program modifications; provided, that not less than 30 days prior to implementing any such program modifications, said secretary shall issue public notification and convene a public hearing on any such findings and proposed changes. Notwithstanding this section, the secretary shall make necessary adjustments or rescind any modifications to the terms of the program, to the extent necessary to maintain the availability of free prescription medications from manufacturers through their "patient assistance program" for eligible residents of the commonwealth.

(d) The pharmacy outreach program shall also establish a medication education and intervention resource center which shall:

- (1) create and maintain a statewide toll free telephone number staffed by individuals who are qualified to counsel and advise eligible persons and anyone participating in the prescription drug subsidized insurance program pursuant to sections 39 and 40, on questions that they may have about prescription drugs or nonprescription drugs;
- (2) sponsor and organize presentations, workshops and screenings in conjunction with other organizations that serve the interests of the elderly and other eligible persons on issues of mental and physical health;
- (3) offer and provide information on prescription medications and nonprescription medications including, but not limited to, information on drug interactions and abuse; and

(4) offer in-person counseling to eligible persons for the purpose of explaining proper medication use and discouraging medication misuse.

(e) The office shall promulgate such regulations as are necessary to implement the pharmacy outreach program.

SECTION 590.

Subsection (n) of section 18 of chapter 118G of the general laws is hereby amended, by adding at the end thereof the following:—

Any hospital which diverts a free care patient from care at said hospital without the consent of the hospital to which said patient is being diverted shall face penalties to be paid into the uncompensated pool trust fund of up to \$10,000 for each patient so diverted.

591.

SECTION Item 2000-2013 of section 2 of Chapter 236 of the acts of 2002 is hereby amended by inserting after the words "in the city of Woburn" the following words: -; provided further, that not less than \$1,750,000 shall be expended for the acquisition of the Dunn property, - so-called, in the town of West Newbury, however, in the event that the town expends its own funding for acquisition of said property, it will be reimbursed; - and by striking out the figure "\$21,250,000" and inserting in place thereof the following figure: - \$23,000,000.

592.

SECTION Item 2100- 2011 of said section 2 of said chapter 236 is hereby amended by striking out the words "; provided further, that \$1,750,000 shall be expended for the acquisition of the Dunn property, so-called, in the town of West Newbury; - and by striking out the figure "\$46,425,000" and inserting thereof the following figure: - \$44,675,000."

593

SECTION 402. Sections 22, 23, 24, 25, 26, 27, 28, 31, 32, 33, 34, 55, 61, 110, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 180, 195, 196, 252, 273, 280, 288, 334, 405, 406, and 408 shall take effect on June 30, 2003. The comptroller shall transfer not more than \$90,000,000 from the balances of the funds repealed by said sections to the Uncompensated Care Trust Fund, to be used for a one-time, non-recurring cash transfer to mitigate the anticipated Uncompensated Care Pool shortfall in fiscal years 2003 and 2004 and to serve as a temporary funding source pending federal approval of the nominal charge provider status as provided for in this act. Any remaining balance after said transfer shall be transferred to the Commonwealth Stabilization Fund established pursuant to section 2H of chapter 29 of the General Laws, as amended by section 13(a) of chapter 177 of the acts of 2001.

594

SECTION 405. Section 111 shall take effect on June 30, 2003, at which time the comptroller shall transfer any remaining balance in said fund, positive or negative, to the General Fund.

595

SECTION 404. The provisions of sections 224 and 225 shall apply to individuals dying on or after the effective date of this act.

596

SECTION 403. As of June 30, 2003, any reference to a fund listed in sections 22, 23, 24, 25, 26, 27, 28, 31, 32, 33, 34, 55, 61, 110, 111, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 180, 195, 196, 252, 273, 280, 288, 334, 405, 406, and 408 in any general law or special act, shall be construed to refer to the General Fund.

597

SECTION 406. Sections 382 and 387 of this act shall be effective on October 1, 2003.

598

SECTION 407. Section 19 of this act shall expire on June 30, 2005.

599

SECTION 408. Section 19A of this act shall take effect on July 1, 2005.

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SECTION 409. Section 455 of this act shall expire on June 30, 2005.

2005

592A

Section 13 shall take effect June 30, 2007.